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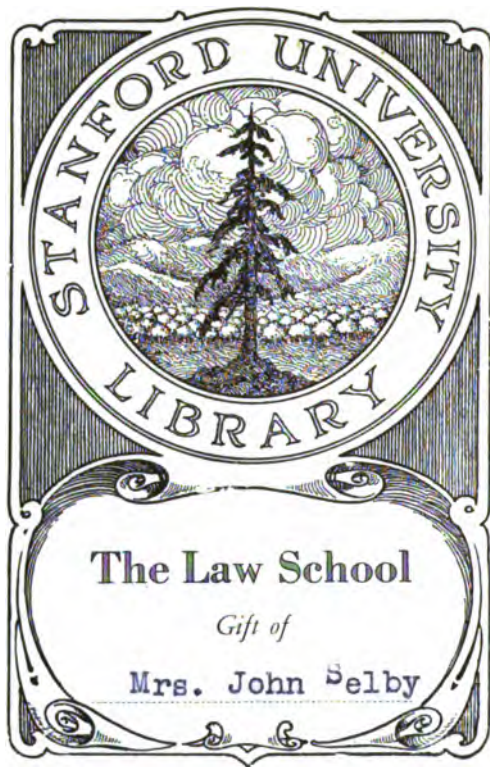
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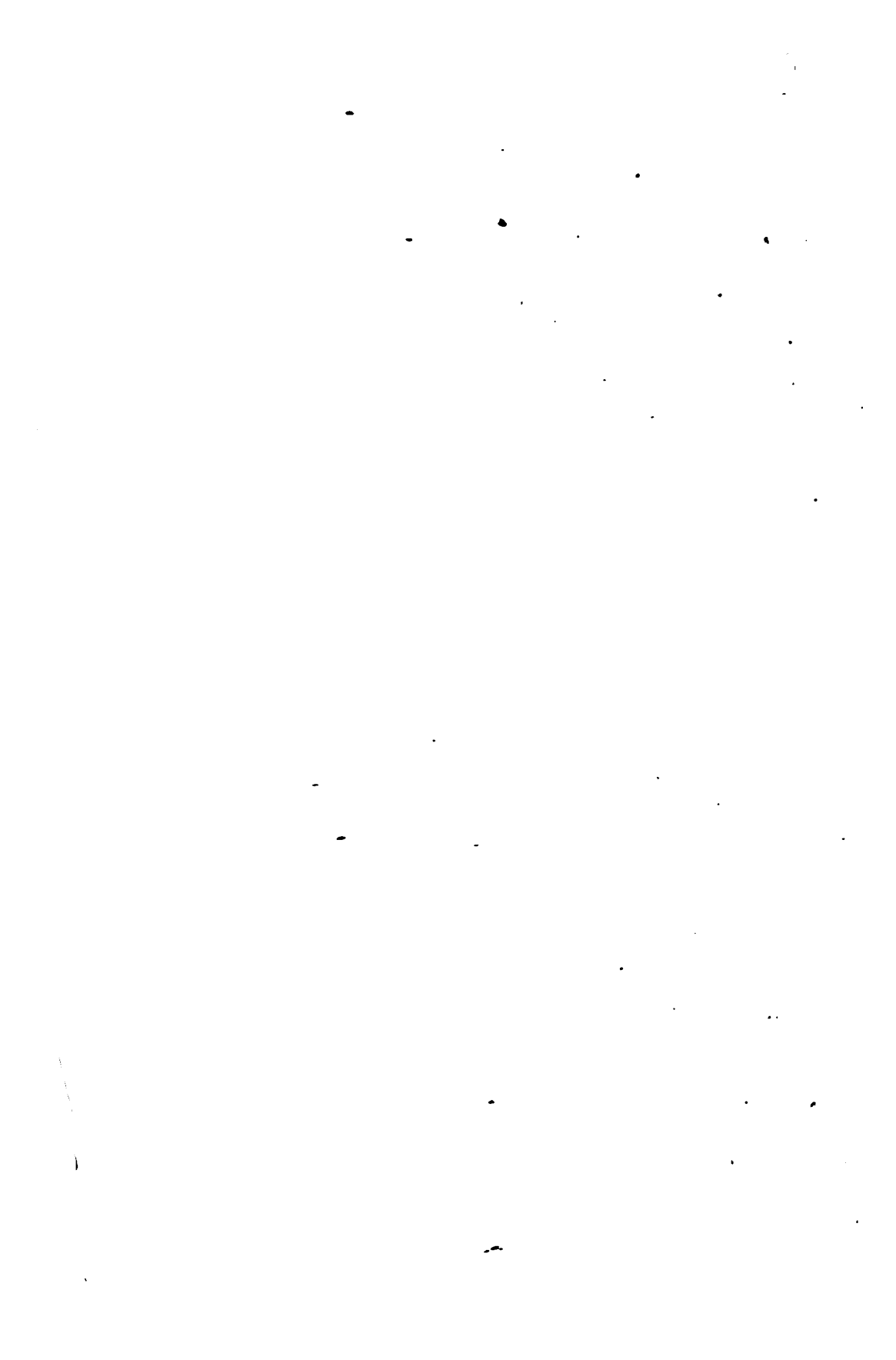
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# HILLYER'S MANUAL A VALUABLE COMPILATION

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The manual also contains in full a long list of Federal and State acts, a knowledge of which is indispensable to every well informed citizen. The list includes the Federal income tax law, the pure food and drugs act, State and Federal; National bank act, and California bank act; Employers' liability act, including rules and schedules of the Industrial Accident Commission; the public utilities act, Sherman anti-trust act, rules of the Railroad Commission of California, and the Federal white slave act. Postal services, pensions, neutralization laws, mining laws and regulations.

Office, and in important States courts and commissions, tables of interest and weights and measures, are included, as is also a directory of attorneys throughout California. An invaluable list of maps, in color, showing the following respective districts—Congressional, Senatorial and Assembly, Federal, Supreme and District Courts of Appeal, Equalization, Fish and Game, and Viticultural Districts—is also given.

The volume is printed in legible type, is conveniently arranged and adequately indexed, and is attractively bound in red buckram. It is published by Bancroft-Whitney Company of San Francisco.

# **CALIFORNIA RED BOOK**

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## **HILLYER'S LEGAL MANUAL 1914**

BY

**CURTIS HILLYER**

*Of the San Francisco Bar*

*Author of "Law of Evidence in California"*

**SAN FRANCISCO  
BANCROFT-WHITNEY COMPANY  
1914**

*copy 2*

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# PREFACE.

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In this book a very large mass of material has been assembled from many sources, with the design of having under one cover a handy up-to-date reference book covering matters of a legal nature which it is difficult to keep up to date in text-books devoted to one subject. There are also included statistical and other general information which it is believed will be of value to the profession.

In the assembling for the first time of so much and varied information from different sources, it is inevitable that errors have crept in. The editor and the publishers will appreciate having their attention called to any such.

It is intended to annotate and keep up to date the matters treated in the first issue. Additional matters will be treated in future issues. Suggestions along this line will be welcomed.

Attorneys and others whose names appear in this book will confer a favor upon the editor and publishers by notifying them of changes of address, so that they may appear properly in future editions.

CURTIS HILLYER.

San Francisco, April 1, 1914.

Room 628, Chronicle Building.

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# HILLYER'S LEGAL MANUAL.

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## CALENDAR 1914.

### JANUARY.

1. **Thursday** —New Year's Day. Legal Holiday. (Pol. Code, 10.)  
Motor vehicle law effective. (Stats. 1913, p. 656.)  
Workmen's Compensation Act in force. (Stats. 1913, p. 320.)
2. **Friday** —New registration begins. (Pol. Code, 1094.)  
Last day for factory owners to file statements. (Stats. 1913, p. 444.)  
Last day for mortgage insurance companies to obtain certificates. (Stats. 1913, p. 481.)
5. **Monday** —United States Circuit Court of Appeals adjourned session at San Francisco.  
California Supreme Court—Law and motion calendar at San Francisco.  
Second installment of taxes payable. (Pol. Code, 3746.)  
Superior Courts—Regular session begins. (Code Civ. Proc. 73.)  
Cities of sixth class—Municipal officers take office. (Mun. Corp. Bill, 605.)  
Long Beach, Los Angeles, Riverside, San Francisco, Santa Barbara and Santa Monica—Municipal officers take office.
12. **Monday** —California Supreme Court—San Francisco session begins.  
United States District Court—January term begins at Los Angeles.
13. **Tuesday** —State Board of Medical Examiners meets at Sacramento. (Stats. 1913, p. 723.)
16. **Friday** —Last day for savings banks to report unclaimed deposits to Superintendent of Banks. (Bank Act, sec. 15.)
26. **Monday** —District Courts of Appeal—Law and motion day.
31. **Saturday** —Last day for insurance companies to report investments. (Pol. Code, 421.)

### FEBRUARY.

2. **Monday** —United States Circuit Court of Appeals—Calendar session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
Second installment of state corporation franchise tax delinquent 6 P. M. (Stats. 1911, p. 530.)

- 12. **Thursday** —**Lincoln Day. Legal Holiday.** (Pol. Code, 10.)
- 16. **Monday** —Last day to commence suit to recover state franchise taxes paid under protest. (Stats. 1911, p. 530.)
- 23. **Monday** —**Washington's Birthday. Legal Holiday.** (Pol. Code, 10.)
- 28. **Saturday** —Corporation Charters forfeited 6 P. M. for nonpayment of franchise tax. (Stats. 1911, p. 530.)

**MARCH.**

- 2. **Monday** —Real and personal property taxes a lien at 12 M. (Pol. Code, 3717.)  
Poll tax payable to county assessor. (Pol. Code, 3840.)  
United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion calendar at San Francisco.  
United States District Court—March term begins at San Francisco.  
Last day to file income tax statements.
- 7. **Saturday** —Bird and Arbor Day. (Stats. 1909, p. 134.)
- 9. **Monday** —Municipal elections in cities of second class. (Mun. Corp. Act, 301.)  
United States District Court—March term begins at San Diego.
- 10. **Tuesday** —Municipal elections in cities of the third class. (Mun. Corp. Act, 502.)
- 12. **Thursday** —Last day to file corporation franchise reports with State Board of Equalization. (Stats. 1911, p. 530.)  
Last day for banks and trust companies to file statement of condition with State Board of Equalization. (Stats. 1911, p. 530.)
- 16. **Monday** —Municipal officers take office in cities of the second class. (Mun. Corp. Act, 319.)  
Municipal officers take office in cities of the third class. (Mun. Corp. Act, 502.)
- 23. **Monday** —District Courts of Appeal—Law and motion day.  
Municipal election day—Marysville.  
University of California—Charter day.

**APRIL.**

- 1. **Wednesday**—Minimum wage scale may become effective. (Stats. 1913, p. 635.)
- 3. **Friday** —School district elections throughout State. (Pol. Code, 1593.)
- 6. **Monday** —United States Circuit Court of Appeals—Adjourned session San Francisco.  
California Supreme Court—Los Angeles session begins.  
Railroad companies—Last day to file statement with State Board of Equalization. (Pol. Code, 3664.)  
Municipal election—Santa Clara.  
Superior Courts—Regular sessions begin. (Code Civ. Proc. 73.)
- 7. **Tuesday** —Municipal election—Santa Rosa.
- 10. **Friday** —Good Friday.

- 12. Sunday —Easter Sunday.
- 13. Monday —Municipal elections—Cities of the sixth class. (Mun. Corp. Act, 852.)  
Municipal election—Alameda.  
United States District Court—Sacramento session begins.
- 20. Monday —Municipal officers take office in cities of sixth class. (Mun. Corp. Act, 852.)
- 21. Tuesday —Municipal officers take office in Santa Rosa.
- 27. Monday —District Courts of Appeal—Law and motion day.  
Second installment of real and personal property taxes delinquent 6 P. M. (Pol. Code, 3746.)
- 30. Thursday —Insurance companies—Last day to file quarterly report of investments. (Pol. Code, 421.)

**MAY.**

- 1. Friday —School trustees take office.
- 2. Saturday —School boards organize. (Pol. Code, 1649.)  
High school trustees take office. (Pol. Code, 1731.)  
High school boards organize. (Pol. Code, 1740.)  
Municipal election—Sacramento.
- 4. Monday —United States Circuit Court of Appeals—Calendar session at San Francisco.  
California Supreme Court—Sacramento session begins.  
United States District Court—May term begins at Fresno.
- 13. Wednesday—University of California—Commencement.
- 18. Monday —School election—Grass Valley.  
Last day to commence publication of notice of annual meeting of corporations which have no annual meeting provided by by-laws. (Civ. Code, 301, 302.)  
Stanford University—Commencement.
- 25. Monday —District Courts of Appeal—Law and motion day.
- 27. Wednesday—Last day for naturalization for August primary. (Pol. Code, 1096.)
- 30. Saturday —Memorial Day. Legal holiday. (Pol. Code, 10.)

**JUNE.**

- 1. Monday —United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
Insurance—Surplus line brokers pay three per cent tax to Insurance Commissioner. (Pol. Code, 596.)
- 2. Tuesday —Annual meeting of all corporations unless otherwise prescribed in by-laws. (Civ. Code, 302.)
- 5. Friday —Last day to commence publication of delinquent tax list. (Pol. Code, 3764.)
- 15. Monday —State Board of Equalization completes corporate franchise assessments. (Stats. 1911, p. 530.)

- 16. Tuesday —Earliest day to secure signatures for August primary. (Stats. 1913, p. 1386.)
- 22. Monday —District Courts of Appeal—Law and motion day.
- 30. Tuesday —School year ends. (Pol. Code, 1878.)  
Last day to pay income tax.

### JULY.

- 1. Wednesday—Fiscal year commences.  
Insurance licenses expire. (Pol. Code, 596.)  
School year begins. (Pol. Code, 1878.)  
Corporation license taxes payable. (Stats. 1905, p. 493.)  
Municipal officers take office in Sacramento.
- 4. Saturday —Independence Day. Legal holiday. (Pol. Code, 10.)
- 6. Monday —United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
County assessors complete assessment-rolls. (Pol. Code, 3652.)  
Supervisors meet as county boards of equalization. (Pol. Code, 3672.)  
State Board of Equalization completes correction of record of assessment of taxes for state purposes. (Stats. 1911, p. 530.)  
Corporate franchise taxes payable. (Stats. 1911, p. 530.)  
Superior Courts—Regular session begins. (Code Civ. Proc. 73.)  
Last day for new parties to file petition to participate in August primary. (Stats. 1913, p. 1381.)
- 13. Monday —United States District Court—July terms begin at San Francisco and Los Angeles.
- 16. Thursday —Last day to file nomination papers for August primary. (Stats. 1913, p. 1389.)
- 20. Monday —State Board of Equalization meets at Sacramento. (Pol. Code, 3665.)  
California Supreme Court—Sacramento session begins.  
United States District Court—July term begins at Eureka.
- 21. Tuesday —Last day to file acceptance of nomination for August primary. (Stats. 1913, p. 1389.)
- 25. Saturday —Registration closes for August primary. (Pol. Code, 1094.)
- 27. Monday —District Courts of Appeal—Law and motion day.
- 31. Friday —Last day for insurance companies to file quarterly report of investments. (Pol. Code, 421.)

### AUGUST.

- 1. Saturday —Last day for assessor to collect personal property taxes. (Pol. Code, 3821.)
- 3. Monday —United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.

Open sessions of State Board of Equalization end. (Pol. Code, 3665.)

Poll tax delinquent increases to \$3.00. (Pol. Code, 3839.)

5. **Wednesday**—Last day for naturalization for general election. (Pol. Code, 1083.)
17. **Monday** —First installment corporation franchise tax delinquent 6 P. M. (Stats. 1911, p. 530.)
24. **Monday** —District Courts of Appeal—Law and motion day.
25. **Tuesday** —Primary Election Day. Legal holiday. (Stats. 1913, p. 1382.)

**SEPTEMBER.**

4. **Friday** —Earliest day to file certificates of nomination with County Clerk or Secretary of State. (Pol. Code, 1192.)
7. **Monday** —Labor Day. Legal holiday. (Pol. Code, 10.)
8. **Tuesday** —United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
County Central Committees organize. (Stats. 1913, p. 1047.)
9. **Wednesday**—Admission Day. Legal holiday. (Pol. Code, 10.)
10. **Thursday** —Last day to file statement of primary election expenses. (Stats. 1913, p. 1411.)
14. **Monday** —United States District Court—September term begins at San Diego.  
Earliest day to file certificates of nomination for municipal offices. (Pol. Code, 1192.)
15. **Tuesday** —State conventions meet at Sacramento. (Stats. 1913, p. 1405.)  
State officers, except controller, report to Governor. (Pol. Code, 332, 1532.)
21. **Monday** —Jewish New Year.  
Supervisors fix tax levy. (Pol. Code, 3714.)
28. **Monday** —District Courts of Appeal—Law and motion day.
29. **Tuesday** —Last day to file certificates of nomination with County Clerk or Secretary of State. (Pol. Code, 1192.)

**OCTOBER.**

1. **Thursday** —Last day for liability companies to file statement of experience. (Pol. Code, 602a.)
3. **Saturday** —Last day for nominees to withdraw. (Stats. 1913, p. 1408.)  
Registration closes for general election. (Pol. Code, 1094.)
5. **Monday** —United States Circuit Court of Appeals—Calendar session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
Superior Courts—Regular session begins. (Code Civ. Proc., 73.)  
Muster-rolls of National Guard filed with Adjutant-General. (Pol. Code, 1902.)
6. **Tuesday** —Municipal election—Stockton.

- 12. **Monday** —**Columbus Day. Legal holiday.** (Pol. Code, 10.)  
United States Supreme Court—October term begins at Washington, D. C.
- 13. **Tuesday** —California Supreme Court—Los Angeles session begins.  
First installment of real and personal property taxes payable. (Pol. Code, 3746.)
- 14. **Wednesday**—Last day to file certificates of nomination for municipal offices. (Pol. Code, 1192.)
- 20. **Tuesday** —Municipal election (second)—Stockton.
- 26. **Monday** —District Courts of Appeal—Law and motion day.
- 31. **Saturday** —Last day for insurance companies to file quarterly report of investments. (Pol. Code, 421.)

**NOVEMBER.**

- 2. **Monday** —United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
United States District Court—November term begins at San Francisco.
- 3. **Tuesday** —**Election Day. Legal holiday.**
- 9. **Monday** —Canvassing Boards meet. (Pol. Code, 1278.)  
California Supreme Court—Sacramento session begins.  
United States District Court—November term begins at Fresno.
- 18. **Wednesday**—Last day to file statement of election expenses. (Stats. 1913, p. 396.)
- 23. **Monday** —District Courts of Appeal—Law and motion day.
- 26. **Thursday** —**Thanksgiving Day. Legal holiday.**
- 30. **Monday** —First installment of real and personal property taxes delinquent 6 P. M. (Pol. Code, 3746.)

**DECEMBER.**

- 7. **Monday** —United States Circuit Court of Appeals—Adjourned session at San Francisco.  
California Supreme Court—Law and motion day at San Francisco.  
Last day for assessor to collect poll tax. (Pol. Code, 3840.)
- 15. **Tuesday** —Controller reports to Governor. (Pol. Code, 332.)
- 22. **Tuesday** —Last day to file claims against State for legislative action. (Pol. Code, 243.)
- 25. **Friday** —**Christmas Day. Legal holiday.** (Pol. Code, 10.)
- 28. **Monday** —District Courts of Appeal—Law and motion day.
- 31. **Thursday** —State Fair Bond Act effective, if ratified. (Stats. 1913, p. 933.)  
San Francisco Harbor Bond Act effective, if ratified. (Stats. 1913, p. 1122.)



# CONSOLIDATED CALENDAR—1890-1920.

To find day of week for any given date, look for the corresponding month at the right of the required year; the calendar for that month will be found at the bottom of the column.

1890	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June
1891	June	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.
1892	Feb. Aug.	March Nov.	June	Sept. Dec.	Jan. April July	Oct.	May
1893	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.
1894	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July
1895	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.
1896	June	Sept. Dec.	Jan. April July	Oct.	May	Feb. Aug.	March Nov.
1897	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.	May	Aug.
1898	Aug.	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.	May
	1Monday 2Tuesday 3Wednes. 4Thurs. 5Friday 6Saturday 7Sunday 8Monday 9Tuesday 10Wednes. 11Thurs. 12Friday 13Saturday 14Sunday 15Monday 16Tuesday 17Wednes. 18Thurs. 19Friday 20Saturday 21Sunday 22Monday 23Tuesday 24Wednes. 25Thurs. 26Friday 27Saturday 28Sunday 29Monday 30Tuesday 31Wednes.	1Tuesday 2Wednes. 3Thurs. 4Friday 5Saturday 6Sunday 7Monday 8Tuesday 9Wednes. 10Thurs. 11Friday 12Saturday 13Sunday 14Monday 15Tuesday 16Wednes. 17Thurs. 18Friday 19Saturday 20Sunday 21Monday 22Tuesday 23Wednes. 24Thurs. 25Friday 26Saturday 27Sunday 28Monday 29Tuesday 30Wednes. 31Thurs.	1Wednes. 2Thurs. 3Friday 4Saturday 5Sunday 6Monday 7Tuesday 8Wednes. 9Thurs. 10Friday 11Saturday 12Sunday 13Monday 14Tuesday 15Wednes. 16Thurs. 17Friday 18Saturday 19Sunday 20Monday 21Tuesday 22Wednes. 23Thurs. 24Friday 25Saturday 26Sunday 27Monday 28Tuesday 29Wednes. 30Thurs. 31Friday	1Thurs. 2Friday 3Saturday 4Sunday 5Monday 6Tuesday 7Wednes. 8Thurs. 9Friday 10Saturday 11Sunday 12Monday 13Tuesday 14Wednes. 15Thurs. 16Friday 17Saturday 18Sunday 19Monday 20Tuesday 21Wednes. 22Thurs. 23Friday 24Saturday 25Sunday 26Monday 27Tuesday 28Wednes. 29Thurs. 30Friday 31Saturday	1Friday 2Saturday 3Sunday 4Monday 5Tuesday 6Wednes. 7Thurs. 8Friday 9Saturday 10Sunday 11Monday 12Tuesday 13Wednes. 14Thurs. 15Friday 16Saturday 17Sunday 18Monday 19Tuesday 20Wednes. 21Thurs. 22Friday 23Saturday 24Sunday 25Monday 26Tuesday 27Wednes. 28Thurs. 29Friday 30Saturday 31Sunday	1Saturday 2Sunday 3Monday 4Tuesday 5Wednes. 6Thurs. 7Friday 8Saturday 9Sunday 10Monday 11Tuesday 12Wednes. 13Thurs. 14Friday 15Saturday 16Sunday 17Monday 18Tuesday 19Wednes. 20Thurs. 21Friday 22Saturday 23Sunday 24Monday 25Tuesday 26Wednes. 27Thurs. 28Friday 29Saturday 30Sunday 31Monday	1Sunday 2Monday 3Tuesday 4Wednes. 5Thurs. 6Friday 7Saturday 8Sunday 9Monday 10Tuesday 11Wednes. 12Thurs. 13Friday 14Saturday 15Sunday 16Monday 17Tuesday 18Wednes. 19Thurs. 20Friday 21Saturday 22Sunday 23Monday 24Tuesday 25Wednes. 26Thurs. 27Friday 28Saturday 29Sunday 30Monday 31Tuesday

1899	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.
1900	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July
1901	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.
1902	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June
1903	June	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.
1904	Feb. Aug.	March Nov	June	Sept. Dec.	Jan. April July	Oct.	May
1905	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.
1906	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July
1907	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.
1908	June	Sept. Dec.	Jan. April July	Oct.	May	Feb. Aug.	March Nov.
1909	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.	May	Aug.
	1Monday 2Tuesday 3Wednesday 4Thursday 5Friday 6Saturday 7Sunday 8Monday 9Tuesday 10Wednesday 11Thursday 12Friday 13Saturday 14Sunday 15Monday 16Tuesday 17Wednesday 18Thursday 19Friday 20Saturday 21Sunday 22Monday 23Tuesday 24Wednesday 25Thursday 26Friday 27Saturday 28Sunday 29Monday 30Tuesday 31Wednesday	1Tuesday 2Wednesday 3Thursday 4Friday 5Saturday 6Sunday 7Monday 8Tuesday 9Wednesday 10Thursday 11Friday 12Saturday 13Sunday 14Monday 15Tuesday 16Wednesday 17Thursday 18Friday 19Saturday 20Sunday 21Monday 22Tuesday 23Wednesday 24Thursday 25Friday 26Saturday 27Sunday 28Monday 29Tuesday 30Wednesday 31Thursday	1Wednesday 2Thursday 3Friday 4Saturday 5Sunday 6Monday 7Tuesday 8Wednesday 9Thursday 10Friday 11Saturday 12Sunday 13Monday 14Tuesday 15Wednesday 16Thursday 17Friday 18Saturday 19Sunday 20Monday 21Tuesday 22Wednesday 23Thursday 24Friday 25Saturday 26Sunday 27Monday 28Tuesday 29Wednesday 30Thursday 31Friday	1Thursday 2Friday 3Saturday 4Sunday 5Monday 6Tuesday 7Wednesday 8Thursday 9Friday 10Saturday 11Sunday 12Monday 13Tuesday 14Wednesday 15Thursday 16Friday 17Saturday 18Sunday 19Monday 20Tuesday 21Wednesday 22Thursday 23Friday 24Saturday 25Sunday 26Monday 27Tuesday 28Wednesday 29Thursday 30Friday 31Saturday	1Friday 2Saturday 3Sunday 4Monday 5Tuesday 6Wednesday 7Thursday 8Friday 9Saturday 10Sunday 11Monday 12Tuesday 13Wednesday 14Thursday 15Friday 16Saturday 17Sunday 18Monday 19Tuesday 20Wednesday 21Thursday 22Friday 23Saturday 24Sunday 25Monday 26Tuesday 27Wednesday 28Thursday 29Friday 30Saturday 31Sunday	1Saturday 2Sunday 3Monday 4Tuesday 5Wednesday 6Thursday 7Friday 8Saturday 9Sunday 10Monday 11Tuesday 12Wednesday 13Thursday 14Friday 15Saturday 16Sunday 17Monday 18Tuesday 19Wednesday 20Thursday 21Friday 22Saturday 23Sunday 24Monday 25Tuesday 26Wednesday 27Thursday 28Friday 29Saturday 30Sunday 31Monday	1Sunday 2Monday 3Tuesday 4Wednesday 5Thursday 6Friday 7Saturday 8Sunday 9Monday 10Tuesday 11Wednesday 12Thursday 13Friday 14Saturday 15Sunday 16Monday 17Tuesday 18Wednesday 19Thursday 20Friday 21Saturday 22Sunday 23Monday 24Tuesday 25Wednesday 26Thursday 27Friday 28Saturday 29Sunday 30Monday 31Tuesday

CONSOLIDATED CALENDAR 1890-1920.

9

1910	Aug.	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.	May
1911	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.
1912	Jan. April July	Oct.	May	Feb. Aug.	March Nov.	June	Sept. Dec.
1913	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June
1914	June	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.
1915	Feb. March Nov.	June	Sept. Dec.	April July	Jan. Oct.	May	Aug.
1916	May	Feb. Aug.	March Nov.	June	Sept. Dec.	Jan. April July	Oct.
1917	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.	April July
1918	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June	Sept. Dec.
1919	Sept. Dec.	April July	Jan. Oct.	May	Aug.	Feb. March Nov.	June
1920	March Nov.	June	Sept. Dec.	Jan. April July	Oct.	May	Feb. Aug.
	1Monday 2Tuesday 3Wednesday 4Thursday 5Friday 6Saturday 7Sunday 8Monday 9Tuesday 10Wednesday 11Thursday 12Friday 13Saturday 14Sunday 15Monday 16Tuesday 17Wednesday 18Thursday 19Friday 20Saturday 21Sunday 22Monday 23Tuesday 24Wednesday 25Thursday 26Friday 27Saturday 28Sunday 29Monday 30Tuesday 31Wednesday	1Tuesday 2Wednesday 3Thursday 4Friday 5Saturday 6Sunday 7Monday 8Tuesday 9Wednesday 10Thursday 11Friday 12Saturday 13Sunday 14Monday 15Tuesday 16Wednesday 17Thursday 18Friday 19Saturday 20Sunday 21Monday 22Tuesday 23Wednesday 24Thursday 25Friday 26Saturday 27Sunday 28Monday 29Tuesday 30Wednesday 31Thursday	1Wednesday 2Thursday 3Friday 4Saturday 5Sunday 6Monday 7Tuesday 8Wednesday 9Thursday 10Friday 11Saturday 12Sunday 13Monday 14Tuesday 15Wednesday 16Thursday 17Friday 18Saturday 19Sunday 20Monday 21Tuesday 22Wednesday 23Thursday 24Friday 25Saturday 26Sunday 27Monday 28Tuesday 29Wednesday 30Thursday 31Friday	1Thursday 2Friday 3Saturday 4Sunday 5Monday 6Tuesday 7Wednesday 8Thursday 9Friday 10Saturday 11Sunday 12Monday 13Tuesday 14Wednesday 15Thursday 16Friday 17Saturday 18Sunday 19Monday 20Tuesday 21Wednesday 22Thursday 23Friday 24Saturday 25Sunday 26Monday 27Tuesday 28Wednesday 29Thursday 30Friday 31Saturday	1Friday 2Saturday 3Sunday 4Monday 5Tuesday 6Wednesday 7Thursday 8Friday 9Saturday 10Sunday 11Monday 12Tuesday 13Wednesday 14Thursday 15Friday 16Saturday 17Sunday 18Monday 19Tuesday 20Wednesday 21Thursday 22Friday 23Saturday 24Sunday 25Monday 26Tuesday 27Wednesday 28Thursday 29Friday 30Saturday 31Sunday	1Saturday 2Sunday 3Monday 4Tuesday 5Wednesday 6Thursday 7Friday 8Saturday 9Sunday 10Monday 11Tuesday 12Wednesday 13Thursday 14Friday 15Saturday 16Sunday 17Monday 18Tuesday 19Wednesday 20Thursday 21Friday 22Saturday 23Sunday 24Monday 25Tuesday 26Wednesday 27Thursday 28Friday 29Saturday 30Sunday 31Monday	1Sunday 2Monday 3Tuesday 4Wednesday 5Thursday 6Friday 7Saturday 8Sunday 9Monday 10Tuesday 11Wednesday 12Thursday 13Friday 14Saturday 15Sunday 16Monday 17Tuesday 18Wednesday 19Thursday 20Friday 21Saturday 22Sunday 23Monday 24Tuesday 25Wednesday 26Thursday 27Friday 28Saturday 29Sunday 30Monday 31Tuesday

**INTER-DATE CALENDAR.**

JANUARY 1, 1914, AND DECEMBER 31, 1915.

To find the number of days between any two dates, find the respective numbers of the two dates and subtract.

**1914.**

Mo. Day	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1	1	32	60	91	121	152	182	213	244	274	305	335
2	2	33	61	92	122	153	183	214	245	275	306	336
3	3	34	62	93	123	154	184	215	246	276	307	337
4	4	35	63	94	124	155	185	216	247	277	308	338
5	5	36	64	95	125	156	186	217	248	278	309	339
6	6	37	65	96	126	157	187	218	249	279	310	340
7	7	38	66	97	127	158	188	219	250	280	311	341
8	8	39	67	98	128	159	189	220	251	281	312	342
9	9	40	68	99	129	160	190	221	252	282	313	343
10	10	41	69	100	130	161	191	222	253	283	314	344
11	11	42	70	101	131	162	192	223	254	284	315	345
12	12	43	71	102	132	163	193	224	255	285	316	346
13	13	44	72	103	133	164	194	225	256	286	317	347
14	14	45	73	104	134	165	195	226	257	287	318	348
15	15	46	74	105	135	166	196	227	258	288	319	349
16	16	47	75	106	136	167	197	228	259	289	320	350
17	17	48	76	107	137	168	198	229	260	290	321	351
18	18	49	77	108	138	169	199	230	261	291	322	352
19	19	50	78	109	139	170	200	231	262	292	323	353
20	20	51	79	110	140	171	201	232	263	293	324	354
21	21	52	80	111	141	172	202	233	264	294	325	355
22	22	53	81	112	142	173	203	234	265	295	326	356
23	23	54	82	113	143	174	204	235	266	296	327	357
24	24	55	83	114	144	175	205	236	267	297	328	358
25	25	56	84	115	145	176	206	237	268	298	329	359
26	26	57	85	116	146	177	207	238	269	299	330	360
27	27	58	86	117	147	178	208	239	270	300	331	361
28	28	59	87	118	148	179	209	240	271	301	332	362
29	29	..	88	119	149	180	210	241	272	302	333	363
30	30	..	89	120	150	181	211	242	273	303	334	364
31	31	..	90	...	151	...	212	243	...	304	...	365

## 1915.

Mo.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1	366	397	425	456	486	517	547	578	609	639	670	700
2	367	398	426	457	487	518	548	579	610	640	671	701
3	368	399	427	458	488	519	549	580	611	641	672	702
4	369	400	428	459	489	520	550	581	612	642	673	703
5	370	401	429	460	490	521	551	582	613	643	674	704
6	371	402	430	461	491	522	552	583	614	644	675	705
7	372	403	431	462	492	523	553	584	615	645	676	706
8	373	404	432	463	493	524	554	585	616	646	677	707
9	374	405	433	464	494	525	555	586	617	647	678	708
10	375	406	434	465	495	526	556	587	618	648	679	709
11	376	407	435	466	496	527	557	588	619	649	680	710
12	377	408	436	467	497	528	558	589	620	650	681	711
13	378	409	437	468	498	529	559	590	621	651	682	712
14	379	410	438	469	499	530	560	591	622	652	683	713
15	380	411	439	470	500	531	561	592	623	653	684	714
16	381	412	440	471	501	532	562	593	624	654	685	715
17	382	413	441	472	502	533	563	594	625	655	686	716
18	383	414	442	473	503	534	564	595	626	656	687	717
19	384	415	443	474	504	535	565	596	627	657	688	718
20	385	416	444	475	505	536	566	597	628	658	689	719
21	386	417	445	476	506	537	567	598	629	659	690	720
22	387	418	446	477	507	538	568	599	630	660	691	721
23	388	419	447	478	508	539	569	600	631	661	692	722
24	389	420	448	479	509	540	570	601	632	662	693	723
25	390	421	449	480	510	541	571	602	633	663	694	724
26	391	422	450	481	511	542	572	603	634	664	695	725
27	392	423	451	482	512	543	573	604	635	665	696	726
28	393	424	452	483	513	544	574	605	636	666	697	727
29	394	...	453	484	514	545	575	606	637	667	698	728
30	395	...	454	485	515	546	576	607	638	668	699	729
31	396	...	455	...	516	...	577	608	...	669	...	730

## CHRONOLOGY OF CALIFORNIA.

1492—Columbus discovers America.

1493—Pope Alexander VI divides the world between Spain and Portugal.

1494—Treaty of Tordesillas "The Partition of the Ocean," between Spain and Portugal.

1516—Death of Ferdinand the Catholic.

Carlos I, King of Spain.

1519—Cortez lands in Mexico.

Carlos I crowned Emperor of Holy Roman Empire as Charles V.

1520—Cortez completes the Conquest of Mexico.

1542—Cabrillo visits California.

- 1556—Abdication of Charles V.  
Philip II, King of Spain.
- 1579—Sir Francis Drake visits California.
- 1598—Philip III, King of Spain.
- 1602—Vizcaino visits sites of San Diego and Monterey.
- 1621—Philip IV, King of Spain.
- 1665—Carlos II, King of Spain.
- 1697—Pious Fund founded.
- 1700—Philip V, King of Spain.
- 1745—Russians visit California.
- 1759—Carlos III, King of Spain.
- 1767—Carlos III banishes Jesuits from Spanish territory.
- 1768—Father Junipero Serra appointed president of the missions.
- 1769—Gaspar de Portolá, Governor of California.  
Gaspar de Portolá and Father Serra arrive at San Diego.  
Mission of San Diego de Alcala founded at San Diego.  
Presidio of San Diego founded.
- 1770—Portolá takes possession of California in name of Carlos III.  
Mission of San Carlos de Borromeo founded at Monterey.  
Presidio of Monterey founded.
- 1771—Mission of San Carlos de Rio Carmel founded at Carmel.  
Mission of San Antonio de Padua founded at Kings City.  
Mission of San Gabriel Arcangel founded at San Gabriel.  
Felipe de Barri, Governor of California.
- 1772—Mission of San Luis Obispo de Tolosa founded at San Luis Obispo.
- 1774—Felipe de Neve, Governor of California.
- 1776—Mission of San Francisco de Asis (Dolores) founded at San Francisco.  
Presidio of San Francisco founded.  
Mission of San Juan Capistrano founded at Capistrano.
- 1777—San Jose founded.  
Mission of Santa Clara de Asis founded at Santa Clara.
- 1781—Mission of Nuestra Senora de Los Angeles founded at Los Angeles.  
Pueblo of Los Angeles founded.
- 1872—Mission of San Buenaventura founded at Ventura.  
Presidio of Santa Barbara founded.  
Pedro Fajes, Governor of California.
- 1784—Death of Father Serra.
- 1786—Mission of Santa Barbara founded at Santa Barbara.
- 1787—Mission of La Purisima Concepcion founded near Lompoc.
- 1788—Carlos IV, King of Spain.
- 1791—José Antonio Romen, Governor of California.  
Mission of Santa Cruz founded at Santa Cruz.  
Mission of Nuestra Senora de la Soledad founded at Soledad.
- 1792—José Joaquin de Arrillaga, Governor of California.
- 1796—"Otter"—First American Vessel visits Monterey.
- 1797—Mission of San Jose de Guadalupe founded at Irvington.  
Mission of San Juan Bautista founded at San Juan.  
Mission of San Miguel Arcangel founded at San Miguel.  
Mission of San Fernando Rey de Espagna founded at Fernando.



- 1798—Mission of San Luis Rey de Francia founded at Oceanside.
- 1804—Mission of Santa Ynez founded near Gaviota.  
Alta California made a province.
- 1805—Russians visit California.
- 1808—Ferdinand VII, King of Spain.
- 1809—California swears allegiance to Ferdinand VII.
- 1811—Mexico revolts from Spain.
- 1812—Russians settle on Bodega Bay.  
Great earthquake of 1812.
- 1814—Jose Dario Arguello, Governor of California.
- 1815—Mission of San Antonio de Pala founded near Fallbrook.  
Palo Vicente de Sola, Governor of California.
- 1817—Mission of San Rafael Arcangel founded at San Rafael.
- 1820—Spanish Constitution sworn in California.
- 1821—Decree of Spanish Cortes ordering secularization of missions published in California.
- 1822—Iturbide, Emperor of Mexico.  
Alta California gives allegiance to Mexico.  
Luis Antonio Arguello, Governor of California.
- 1823—Mission of San Francisco Solano founded at Sonoma.  
Iturbide abdicates.
- 1824—California receives representation in Mexican Congress.
- 1825—Guerrero, President of Mexico.  
José Maria de Echandia, Governor of California.
- 1830—Hudson Bay Company operates in Northern California.
- 1831—Manuel Victoria, Governor of California.  
President Guerrero executed.  
Governor Victoria deposed.
- 1832—Pio Pico, Governor of California.
- 1833—José Figueroa, Governor of California.
- 1834—General Santa Ana, Dictator of Mexico.
- 1835—José Castro, Governor of California.
- 1836—Nicholas Gutierrez, Governor of California, *ad interim*.  
Mariano Chico, Governor of California.  
Nicholas Gutierrez, Governor of California, *ad interim*.  
Juan Bautista Alvarado, Governor of California.
- 1837—Bustamente, President of Mexico.  
Mexico adopts Constitution of 1837.
- 1839—Sutter's Fort erected.  
Great earthquake of 1839.
- 1840—Secularization of missions completed.
- 1841—Restoration of Santa Anna.  
First emigrant train arrives under Bidwell.
- 1842—Manuel Micheltorena, Governor of California.  
Commodore Jones raises United States flag at Monterey for one day.
- 1844—Herrera, President of Mexico.
- 1845—Jas. K. Polk, President of United States.  
Pio Pico, Governor of California.

- Los Angeles, Capital of California.
- United States annexes Texas.
- 1846—Paredes, President of Mexico.
- Bravo, President of Mexico.
- War with Mexico.
- Bear flag revolt.
- Sloat raises American flag at Monterey.
- John D. Sloat, Military Governor of California.
- Santa Anna, President of Mexico.
- Robert F. Stockton, Military Governor of California.
- "The Californian," first newspaper in California, published at Monterey.
- 1847—Yerba Buena assumes the name of San Francisco.
- John C. Fremont, Military Governor of California.
- Stephen W. Kearny, Military Governor of California.
- General Scott captures city of Mexico.
- Richard B. Mason, Military Governor of California.
- Donner Party perishes.
- 1848—Treaty of Guadalupe Hidalgo.
- California ceded to United States.
- Gold discovered in California.
- 1849—Zachary Taylor, President of United States.
- Bennet Riley, Military Governor of California.
- San Jose, Capital of California.
- First Constitutional Convention at Monterey.
- Constitution of 1849 adopted.
- Peter H. Burnett, Governor of California.
- First Pacific Mail Steamship arrives at San Francisco.
- 1850—Counties of Butte, Calaveras, Colusa, Contra Costa, El Dorado, Los Angeles, Marin, Mariposa, Mendocino, Monterey, Napa, Sacramento, San Diego, San Francisco, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo and Yuba created.
- Los Angeles chartered.
- San Jose chartered.
- California admitted into the Union.
- Millard Fillmore, President of the United States.
- Foreign Miners' License Act adopted.
- 1851—Great fire at San Francisco.
- First Vigilance Committee at San Francisco.
- John McDougal, Governor of California.
- Nevada and Placer Counties created.
- Vallejo, capital of California.
- 1852—John Bigler, Governor of California.
- Sierra, Siskiyou and Tulare Counties created.
- Oakland incorporated.
- Sacramento, capital of California.
- Great flood at Sacramento.
- Pierce and King carry California.
- 1853—Franklin Pierce, President of United States.
- Alameda, Humboldt and San Bernardino Counties created.

- Benicia, capital of California.  
 College of California founded at Oakland.
- 1854—John Bigler, Governor of California (second term).  
 Oakland chartered.  
 Sacramento, capital of California.  
 Amador and Plumas Counties created.  
 People v. Hall, decided by Supreme Court.
- 1855—J. Neely Johnson, Governor of California.  
 Merced County created.
- 1856—James King of William murdered.  
 Second Vigilance Committee at San Francisco.  
 Fresno, San Mateo and Tehama Counties created.  
 Buchanan and Breckenridge carry California.  
 Sacramento Valley Railroad opened—First Railroad in California.
- 1857—James Buchanan, President of United States.  
 Del Norte County created.  
 Dred Scott decision.
- 1858—John B. Weller, Governor of California.
- 1859—Pony Express established.  
 Broderick-Terry duel.
- 1860—Milton S. Latham, Governor of California.  
 John G. Downey, Governor of California.  
 Lincoln and Hamlin carry California.
- 1861—Lake and Mono Counties created.  
 Abraham Lincoln, President of United States.  
 Civil War commences.  
 Telegraph completed to San Francisco.  
 Specific Contract Act passed.
- 1862—Leland Stanford, Governor of California.  
 Union Pacific Railroad chartered.  
 Central Pacific Railroad chartered.
- 1863—Frederick F. Low, Governor of California.
- 1864—Alpine, Stanislaus and Lassen Counties created.  
 Lincoln and Johnson carry California.
- 1865—Abraham Lincoln, President of United States (second term).  
 Lincoln assassinated.  
 Andrew Johnson, President of United States.  
 Great earthquake of 1865.  
 Southern Pacific Company incorporated in Kentucky.
- 1866—Inyo and Kern Counties created.
- 1867—Henry H. Haight, Governor of California.
- 1868—Burlingame Treaty between United States and China.  
 University of California chartered.  
 Great earthquake of 1868.  
 Grant and Colfax carry California.
- 1869—U. S. Grant, President of United States.  
 Central Pacific completed to Oakland.  
 First train from Atlantic coast reaches Sacramento.
- 1871—Newton Booth, Governor of California.

- 1872—Codes adopted.  
Ventura County created.  
San Diego incorporated.  
Grant and Wilson carry California.
- 1873—U. S. Grant, President of the United States (second term).  
Panic of 1873.
- 1874—Modoc and San Benito Counties created.
- 1875—Romualdo Pacheco, Governor of California.  
William Irwin, Governor of California.
- 1876—Southern Pacific Railroad completed to Los Angeles.  
Hayes and Wheeler carry California.
- 1877—R. B. Hayes, President of United States.  
Comstock collapse.  
Kearney Riots in San Francisco.
- 1879—Constitution of 1879 adopted.
- 1880—Geo. C. Perkins, Governor of California.  
Hancock and English carry California.
- 1881—Jas. A. Garfield, President of United States.  
Garfield assassinated.  
Chester A. Arthur, President of United States.  
Exclusion Treaty with China.
- 1882—Geary Exclusion Act passed.
- 1883—Geo. Stoneman, Governor of California.
- 1884—United States issues final patents for pueblo lands in San Francisco.  
Blaine and Logan carry California.
- 1885—Stanford University founded.  
Grover Cleveland, President of United States.  
Santa Fe Railroad completed to Los Angeles.  
Fresno chartered.
- 1886—Washington Bartlett, Governor of California.
- 1887—Robert W. Waterman, Governor of California.
- 1888—Harrison and Morton carry California.
- 1889—Benjamin Harrison, President of United States.  
Orange County created.
- 1890—Colton v. Stanford decided.
- 1891—H. H. Markham, Governor of California.  
Glenn County created.
- 1892—Cleveland and Stevenson carry California.
- 1893—Grover Cleveland, President of United States (second term).  
Kings, Madera and Riverside Counties created.  
Panic of 1893.
- 1894—California Midwinter International Exposition at San Francisco.
- 1895—Jas. H. Budd, Governor of California.
- 1896—McKinley and Hobart carry California.
- 1897—William McKinley, President of United States.
- 1898—United States annexes Philippine Islands.
- 1899—Henry T. Gage, Governor of California.
- 1900—McKinley and Roosevelt carry California.

- 1901—William McKinley, President of United States (second term).  
 McKinley assassinated.  
 Theodore Roosevelt, President of United States.
- 1902—Second Chinese Exclusion Act passed.  
 Hague Tribunal decides the Pious Fund Case.
- 1903—Geo. C. Pardee, Governor of California.
- 1904—Roosevelt and Fairbanks carry California.
- 1905—Theodore Roosevelt, President of United States (second term).  
 District Courts of Appeal created.
- 1906—Great earthquake and fire in San Francisco.
- 1907—Jas. N. Gillett, Governor of California.  
 Imperial County created.
- 1908—Taft and Sherman carry California.
- 1909—Wm. H. Taft, President of United States.  
 Los Angeles annexes San Pedro.
- 1910—Los Angeles "Times" dynamited.
- 1911—Hiram Johnson, Governor of California.  
 Western Pacific Railway reaches San Francisco.  
 Woman's suffrage in California.
- 1912—Roosevelt and Johnson carry California.
- 1913—Woodrow Wilson, President of United States.

## LAW AND MOTION DAYS.

- Alamada**—Every Friday.
- Alpine**—First Monday.
- Amador**—Every Saturday.
- Butte**—First Monday.
- Calaveras**—Every Monday.
- Colusa**—Every Monday.
- Contra Costa**—Every Monday.
- Del Norte**—Every Monday.
- El Dorado**—Every Friday.
- Fresno**—Every Monday 10 A. M., Department 1; 2 P. M., Department 2.
- Glenn**—Every Monday.
- Humboldt**—First and Third Mondays, Department 1; first and third Fridays, Department 2.
- Imperial**—Every Friday.
- Inyo**.
- Kern**—Every Monday.
- Kings**—Every Monday.
- Lake**—Every Friday.
- Lassen**—Second and fourth Tuesdays—except July and August.
- Los Angeles**—Every Monday.
- Madera**—Every Monday.
- Marin**—Every Friday.
- Mariposa**—First Monday.
- Mendocino**—Second Monday.

**Merced**—Every Monday.  
**Modoc**—Every Tuesday.  
**Mono**.  
**Monterey**—Every Monday.  
**Napa**—Every Monday.  
**Nevada**—Every Monday.  
**Oranget**—Every Friday.  
**Placer**—Every Monday—1:30 P. M.  
**Plumas**—First Monday.  
**Sacramento**—Every Monday.  
**San Benito**—Every Monday.  
**San Bernardino**—Every Monday.  
**San Diego**—Every Friday.  
**San Francisco**—Every Friday.  
**San Joaquin**—Every Monday—Department 1, 10 A. M.; 2, 1:30 P. M.; 3, 11 A. M.  
**San Luis Obispo**—First Monday.  
**San Mateo**—Every Thursday.  
**Santa Barbara**—Every Monday.  
**Santa Clara**—Every Friday.  
**Santa Cruz**—Mondays and Fridays.  
**Shasta**—Every Saturday—Department 1; every Friday—Department 2.  
**Sierra**—Every Monday.  
**Siakiyou**—Every Saturday.  
**Solano**—Second and fourth Mondays.  
**Sonoma**—Every Monday.  
**Stanislaus**—Every Saturday.  
**Sutter**—Every Saturday.  
**Tehama**—Every Monday.  
**Trinity**—Every Monday.  
**Tulare**—Every Monday.  
**Tuolumne**—Every Friday.  
**Ventura**—Every Monday.  
**Yolo**—Every Monday.  
**Yuba**—Every Monday.  
**United States Supreme Court**—Every Monday.

## LEGAL HOLIDAYS.

**Sunday** is a legal holiday in all States.

**Alabama**—January 1, January 19, February 22, April 13, April 26, June 3, July 4, Labor Day, October 12, Thanksgiving, Christmas.

**Alaska**—January 1, February 22, May 30, July 4, December 25, Thanksgiving.

**Arizona**—January 1, (Arbor Day) Friday following February 1 in Counties of Apache, Navajo, Coconino, Mohave and Yavapai (the rest of the Territory observes the Friday after April 1); February 22, May 30, July 4, Labor Day, December 25, Thanksgiving, General Election.

**Arkansas**—January 1, February 22, June 3, July 4, October 12, Thanksgiving and Christmas, Arbor Day, First Saturday in March, Labor Day and Lee's Birth-

day, January 19, all general biennial election days. Holidays only mean that commercial paper falling due on holidays is due the day before.

**California**—January 1, February 12, February 22, May 30, July 4, September 9, Admission Day, October 12, December 25, and public fast, Thanksgiving, Labor Day, State or general or primary election day.

**Colorado**—January 1, February 12, February 22, May 30, July 4, August 1, December 25, Thanksgiving, Labor Day and in cities having 100,000 population or over, Saturday afternoons during June, July and August.

**Connecticut**—January 1, February 12 (Lincoln Day), February 22, May 30, July 4, Labor Day (first Monday in September), October 12, Thanksgiving, December 25, Fast Day, Saturday legal half holiday throughout the State.

**Delaware**—January 1, February 12, February 22, May 30, July 4, October 12, Thanksgiving, Labor Day, Election Day, Christmas.

**District of Columbia**—January 1, February 22, Decoration Day, July 4, Labor Day (first Monday in September), Thanksgiving, Christmas, Inauguration Day and every Saturday after 12 o'clock.

**Florida**—January 1, January 19, February 22, February 23 (in Pensacola only), April 9, April 26, June 3, July 4, Labor Day, December 25, any general election day, Thanksgiving.

**Georgia**—January 1, January 19 (Lee's Birthday), February 22, April 26, June 3 (Jeff. Davis' Birthday), July 4, Labor Day, Thanksgiving, Christmas.

**Hawaii**—January 1, February 22, May 30, June 11, July 4, September 6, September 18, Thanksgiving, December 25.

**Idaho**—January 1, February 22, June 11, July 4, October 12, December 25, Thanksgiving Day, general election, and any day proclaimed a holiday by President or Governor. Possibly Friday after May 1 and first Monday in September.

**Illinois**—January 1, February 12, February 22, May 30, July 4; election day in certain places only; the first Monday in September (Labor Day), September 15, October 12, December 25, Thanksgiving, every Saturday after 12 o'clock noon in Chicago only, and all days appointed by proclamation of the President of the United States or Governor of the State of Illinois. When legal holiday comes on Sunday, the following day, Monday, shall be the day.

**Indiana**—January 1, February 12, February 22, May 30, July 4, Labor Day, October 12, December 25, Thanksgiving, National and State election days.

**Iowa**—January 1, February 22, May 30, July 4, Labor Day, December 25, day of the general election, Thanksgiving.

**Kansas**—January 1, February 12, February 22, May 30, July 4, Labor Day, October 12, Thanksgiving, Christmas.

**Kentucky**—January 1, February 22, May 30, July 4, Labor Day, October 12, Thanksgiving, December 25.

**Louisiana**—January 1, January 8, February 22, February 23 (Mardi Gras), in New Orleans, April 9, June 3, July 4, December 25, Good Friday, Labor Day, November 1, Thanksgiving, and in cities over 100,000 population every half Saturday after 12 o'clock noon.

**Maine**—January 1, February 22, April 19, May 30, July 4, Labor Day, Thanksgiving, Christmas. Saturday usually observed as a half holiday, October 12 (not legal) school holiday.

**Maryland**—January 1, February 22, Good Friday, May 30, July 4, Labor Day, Thanksgiving, Christmas, general and congressional election days, and every Saturday after 12 o'clock in Baltimore and Annapolis only, and all days

specially recommended by the President of the United States or Governor of Maryland for religious observance or general cessation of business.

**Massachusetts**—February 22, April 19, May 30, July 4, Labor Day, October 12, Thanksgiving, December 25.

**Michigan**—January 1, February 12, February 22, April 5, May 30, July 4, Labor Day, October 12 (not legal), Thanksgiving, December 25, and Saturday afternoons for acceptance and payment of notes. All national, State, county or city election days, and any day appointed or recommended by the Governor of this State or the President of the United States as a day of fasting or prayer or thanksgiving, as regards presenting for payment or acceptance, protesting and giving notice of dishonor of bills of exchange, bank checks and promissory notes.

**Minnesota**—January 1, February 12, February 22, Good Friday, May 30, July 4, Labor Day, general election day, Thanksgiving, Christmas.

**Mississippi**—January 1, January 19, February 12 (not legal), February 22, April 26, May 30 (not legal), June 3, July 4, Labor Day, Thanksgiving and Christmas.

**Missouri**—January 1, February 22, May 30, July 4, Labor Day, December 25, Thanksgiving, general primary election day, and any general or State election day. In cities having over 100,000 population every Saturday after 12 o'clock noon.

**Montana**—January 1, February 12 (Lincoln Day), February 22, Arbor Day, May 30, July 4, Labor Day, October 12 (Columbus Day), general election day, Thanksgiving Day and December 25. If any of these days fall upon a Sunday, the following Monday is the holiday.

**Nebraska**—January 1, February 22, April 22, May 30, July 4, first Monday in September, October 12, December 25, public fast, Thanksgiving.

**Nevada**—January 1, February 12, February 22, May 30, July 4, October 31, Thanksgiving Day, December 25, first Monday in September, known as Labor Day, and the day of the general election.

**New Hampshire**—January 1, February 22, May 30, July 4, Fast Day, Labor Day, Thanksgiving, election day, Christmas.

**New Jersey**—January 1, February 12, February 22, Good Friday, May 30, July 4, Labor Day (first Monday in September), October 12 (Columbus Day), Thanksgiving Day, December 25, and any general election day in the State, and every Saturday after 12 o'clock noon.

**New Mexico**—January 1, July 4, December 25, and all days for fasting or thanksgiving.

**New York**—January 1, February 12, February 22, May 30, July 4, October 12 (Columbus Day), Labor Day, December 25, Thanksgiving, any general election day, every Saturday from 12 o'clock noon.

**North Carolina**—January 1, January 19, February 22, April 12, May 10, May 20, July 4, December 25, Thanksgiving, first Monday in September, Tuesday after first Monday in November (election day).

**North Dakota**—January 1, February 12 and 22, July 4, December 25, May 30, general election day, Labor Day, and every day appointed by the President of the United States or by the Governor for a public fast, thanksgiving or holiday.

**Ohio**—January 1, February 22, May 30, July 4, October 12, December 25, Thanksgiving, Labor Day.



- Oklahoma**—January 1, February 22, May 30, July 4, Labor Day, October 12, Thanksgiving, December 25, every election day and every day appointed by the President of the United States or Governor of the State for a public fast, thanksgiving or holiday. Holidays falling on Sunday are observed the following Monday.
- Oregon**—January 1, February 22, May 30, July 4, October 12, December 25, Labor Day, public fast, Thanksgiving, and every general election day.
- Pennsylvania**—January 1, February 12 (Lincoln's Birthday), February 16, February 22, Good Friday, May 30, July 4, Labor Day, October 12, December 25, Thanksgiving, and every Saturday after 12 o'clock noon, and general election day.
- Rhode Island**—January 1, February 22, Arbor Day (second Friday in May), May 30, July 4, first Monday in September (Labor Day), October 12, December 25, national election day, and such days as the Governor or President shall appoint as holidays. Banks close at 12 noon on Saturdays.
- South Carolina**—January 1, January 19, February 22, May 10, June 3, July 4, Labor Day, Thanksgiving, Christmas, general election day. In Columbia banks from 12 o'clock noon during June, July and August, and in Charleston every Saturday from 12 o'clock noon.
- South Dakota**—January 1, February 12, February 22, May 30, July 4, first Monday in September (Labor Day), December 25, and every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast; Thanksgiving (the holiday shall hereafter be designated in this State as a legal holiday).
- Tennessee**—January 1, February 22, May 30, June 3, July 4, December 25, Thanksgiving, Labor Day, Good Friday and election days.
- Texas**—January 1, February 22, March 2, April 21, June 3, July 4, Labor Day, October 12, December 25, Thanksgiving, election days.
- Utah**—January 1, February 12, February 22, April 15, May 30, July 4 and 24, Labor Day, December 25, Thanksgiving.
- Vermont**—January 1, February 12, February 22, May 30, July 4, August 16, October 12, December 25, Thanksgiving, first Monday in September.
- Virginia**—January 1, January 19 (Lee-Jackson Day), February 22, May 30 (Memorial Day), June 3 (half holiday), July 4, first Monday in September (Labor Day), election days, December 25, Thanksgiving, and every Saturday after 12 o'clock noon. When a holiday falls on Sunday the Monday following is observed.
- Washington**—January 1, February 12, February 22, Decoration Day, July 4, October 12, December 25, Thanksgiving, Labor Day, days of general election and primary election day. All of these are holidays only for judicial business and then certain exceptions.
- West Virginia**—January 1, February 12, February 22, Memorial Day, July 4, October 12, December 25, Thanksgiving, Labor Day, election day.
- Wisconsin**—January 1, February 22, May 30, July 4, December 25, Thanksgiving, Labor Day, and every general election day. When any such day is Sunday the succeeding Monday is a legal holiday.
- Wyoming**—January 1, February 12, February 22, May 30, July 4, Thanksgiving, December 25, election day, Arbor Day, Labor Day.

## METRIC SYSTEM.

LEGALIZED IN THE UNITED STATES ON JULY 28, 1866.

### MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents in Denominations in Use.	
Myriametre .....	10,000 metres.	6.2137	miles.
Kilometre .....	1,000 metres.	0.62137,	mile, or 3,280 feet 10 inches.
Hectometre .....	100 metres.	328	feet 1 inch.
Dekametre .....	10 metres.	393.7	inches.
Metre .....	1 metre.	39.37	inches.
Decimetre .....	1-10 of a metre.	8.937	inches.
Centimetre .....	1-100 of a metre.	0.3937	inch.
Millimetre .....	1-1000 of a metre.	0.0394	inch.

### MEASURES OF SURFACE.

Metric Denominations and Values.		Equivalents in Denominations in Use.	
Hectare .....	10,000 square metres.	2.471	acres.
Are .....	100 square metres.	119.6	square yards.
Centare .....	1 square metre.	1,550	square inches.

### MEASURES OF CAPACITY.

METRIC DENOMINATIONS AND VALUES.		EQUIVALENTS IN DEMONINATIONS IN USE.		
Names.	Num- ber of Litres.	Cubic Measure.	Dry Measure.	Liquid or Wine Measure.
Kilolitre or stere	1,000	1 cubic metre.	1.308 cubic yards.	264.17 gallons.
Hectolitre.	100	1-10 of a cubic metre.	2 bush. and 3.35 pecks	26.417 gallons.
Dekalitre.	10	10 cubic decimetres.	9.08 quarts.	2.6417 gallons.
Litre.	1	1 cubic decimetre.	0.908 quart.	1.0567 quarts.
Decilitre.	1-10	1-10 of a cubic decimetre.	6.1022 cubic inches.	0.845 gill.
Centilitre.	1-100	10 cubic centimetres.	0.6102 cubic inch.	0.388 fluid ounces.
Millilitre.	1-1000	1 cubic centimetre.	0.061 cubic inch.	0.27 fluid dram.

### WEIGHTS.

Names.	Number of Grams.	Weight of What Quantity of Water Avoirdupois Weight. at Maximum Density.	
Miller or tonneau.	1,000,000	1 cubic metre.	2204.6 pounds.
Quintal	100,000	1 hectolitre.	220.46 pounds.
Myriagram	10,000	10 litres.	22.046 pounds.
Kilogram or kilo.	1,000	1 litre.	2.2046 pounds.
Hectogram	100	1 decilitre.	3.5274 ounces.
Dekagram	10	10 cubic centimetres.	0.8527 ounce.
Gram	1	1 cubic centimetre.	15.432 grains.
Decigram	1-10	1-10 of a cubic centimetre.	1.5432 grains.
Centigram	1-100	10 cubic millimetres.	0.1543 grain.
Milligram	1-1000	1 cubic millimetre.	0.0154 grain.

**DOMESTIC WEIGHTS AND MEASURES.**

**Apothecaries' Weight:** 20 grains=1 scruple; 3 scruples=1 dram; 8 drams=1 ounce; 12 ounces=1 pound.

**Avoirdupois Weight (short ton):** 27 11-32 grains=1 dram; 16 drams=1 ounce; 16 ounces=1 pound; 25 pounds=1 quarter; 4 quarters=1 cwt.; 20 cwt.=1 ton.

**Avoirdupois Weight (long ton):** 27 11-32 grains=1 dram; 16 drams=1 ounce; 16 ounces=1 pound; 112 pounds=1 cwt.; 20 cwt.=1 ton.

**Troy Weight:** 24 grains=1 pennyweight; 20 pennyweights=1 ounce; 12 ounces=1 pound.

**Circular Measure:** 60 seconds=1 minute; 60 minutes=1 degree; 30 degrees=1 sign; 12 signs=1 circle or circumference.

**Cubic Measure:** 1,728 cubic inches=1 cubic foot; 27 cubic feet=1 cubic yard.

**Dry Measure:** 2 pints=1 quart; 8 quarts=1 peck; 4 pecks=1 bushel.

**Liquid Measure:** 4 gills=1 pint; 2 pints=1 quart; 4 quarts=1 gallon; 31½ gallons=1 barrel; 2 barrels=1 hogshead.

**Long Measure:** 12 inches=1 foot; 3 feet=1 yard; 5½ yards=1 rod or pole; 40 rods=1 furlong; 8 furlongs=1 statute mile (1,760 yards or 5,280 feet); 3 miles=1 league.

**Mariner's Measure:** 6 feet=1 fathom; 120 fathoms=1 cable length; 7½ cable lengths=1 mile; 5,280 feet=1 statute mile; 6,085 feet=1 nautical mile.

**Paper Measure:** 24 sheets=1 quire; 20 quires=1 ream (480 sheets); 2 reams=1 bundle; 5 bundles=1 bale.

**Square Measure:** 144 square inches=1 square foot; 9 square feet=1 square yard; 30¼ square yards=1 square rod or perch; 40 square rods=1 rood; 4 roods=1 acre; 640 acres=1 square mile; 36 square miles (6 miles square)=1 township.

**Time Measure:** 60 seconds=1 minute; 60 minutes=1 hour; 24 hours=1 day; 7 days=1 week; 365 days=1 year; 366 days=1 leap year.

## VALUES OF FOREIGN COINS.

The following estimate, by the Director of the Mint, of the values of foreign coins is proclaimed by the Secretary of the Treasury, in pursuance of the provisions of section 25 of the Act of August 28, 1894, to be the values of such coins in terms of the money of account of the United States, to be followed in estimating the value of all foreign merchandise exported to the United States on or after January 1, 1909, expressed in any of such metallic currencies:

COUNTRY.	Standard.	Monetary Unit.	Value.
Argentine Rep.....	Gold	Peso .....	\$0.96,5
Austria-Hungary .....	Gold	Crown .....	0.20,3
Belgium .....	Gold	Franc .....	0.19,3
Bolivia .....	Silver	Boliviano .....	0.36,5
Brasil .....	Gold	Milreis .....	0.54,6
British America .....	Gold	Dollar .....	1.00,0
Costa Rica .....	Gold	Colon .....	0.46,5
Chili .....	Gold	Peso .....	0.36,5
China .....	Silver	Tael.... { Shanghai . . . . .	0.54,6
		{ Haikwan . . . . .	0.60,9
		{ (Customs) . . . . .	
Colombia .....	Gold	Dollar .....	1.00,0
Denmark .....	Gold	Crown .....	0.26,8
Ecuador .....	Gold	Sucre .....	0.48,7
Egypt .....	Gold	Pound (100 piastres) .....	4.94,3
Finland .....	Gold	Mark .....	0.19,3
France .....	Gold	Franc .....	0.19,3
German Empire .....	Gold	Mark .....	0.23,8
Great Britain .....	Gold	Pound Sterling .....	4.86,6½
Greece .....	Gold	Drachma .....	0.19,3
Haiti .....	Gold	Gourde .....	0.96,5
India (British) .....	Gold	Pound Sterling .....	4.86,6½
Italy .....	Gold	Lira .....	0.19,3
Japan .....	Gold	Yen .....	0.49,8
Liberia .....	Gold	Dollar .....	1.00,0
Mexico .....	Gold	Peso .....	0.49,8
Netherlands .....	Gold	Florin .....	0.40,2
Newfoundland .....	Gold	Dollar .....	1.01,4
Norway .....	Gold	Crown .....	0.26,8
Panama .....	Gold	Balboa .....	1.00,0
Persia .....	Silver	Kran .....	0.06,7
Peru .....	Gold	Libra .....	4.86,6½
Philippine Islands .....	Gold	Peso .....	0.50,0
Portugal .....	Gold	Milreis .....	1.08,0
Russia .....	Gold	Ruble .....	0.51,5
Spain .....	Gold	Peseta .....	0.19,3
Sweden .....	Gold	Crown .....	0.26,8
Switzerland .....	Gold	Franc .....	0.19,3
Turkey .....	Gold	Piaster .....	0.04,4
Uruguay .....	Gold	Peso .....	1.03,4
Venezuela .....	Gold	Bolivar .....	0.19,3

## PUBLIC LAND SUBDIVISIONS

TOWNSHIP

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SECTION

—1 mile or 80 chains—			
320 rods or 5280 feet			
20 chs.	80 rds.	440 yds.	1320 ft.

—40 chains—  
—160 rods—  
—2640 feet—

## SURVEYOR'S MEASURE.

1 rod =  $16\frac{1}{2}$  ft. or 25 links.  
1 chain = 4 rods or 66 ft. or 100 links.  
1 link = 7.92 inches.  
1 acre = 43560 square feet.  
1 sq. acre = 208.708 ft. x 208.708 ft.

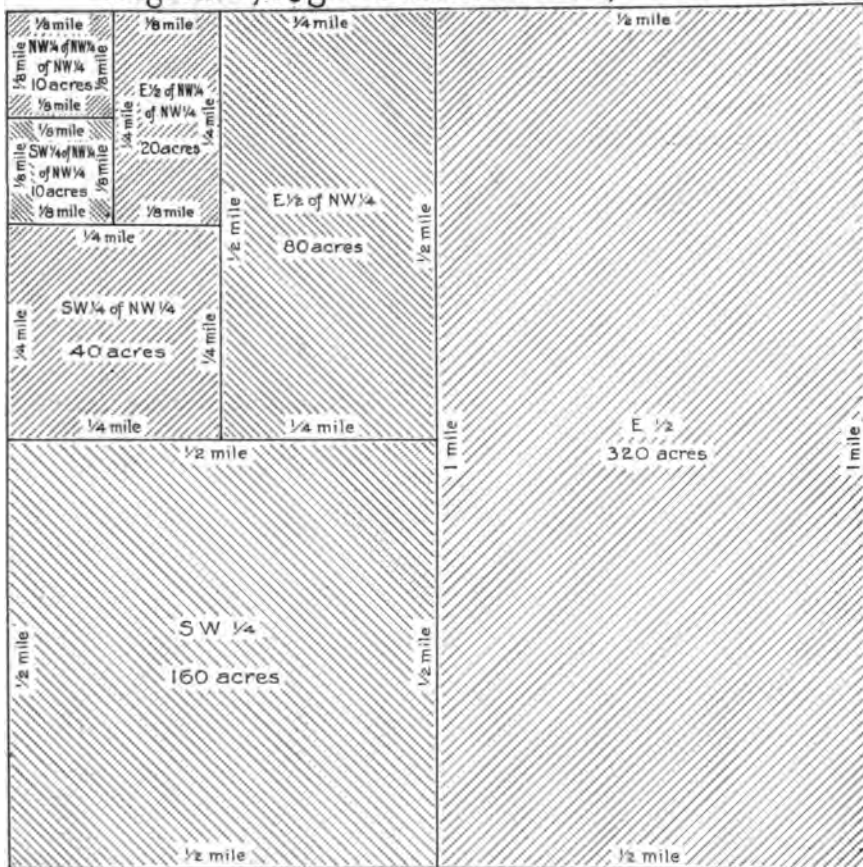
Chs.	Ft.	Chs.	Ft.	Chs.	Ft.	Chs.	Ft.
1 =	66	26 =	1716	51 =	3366	76 =	5016
2 =	132	27 =	1782	52 =	3432	77 =	5082
3 =	198	28 =	1848	53 =	3498	78 =	5148
4 =	264	29 =	1914	54 =	3564	79 =	5214
5 =	330	30 =	1980	55 =	3630	80 =	5280
6 =	396	31 =	2046	56 =	3696	81 =	5346
7 =	462	32 =	2112	57 =	3762	82 =	5412
8 =	528	33 =	2178	58 =	3828	83 =	5478
9 =	594	34 =	2244	59 =	3894	84 =	5544
10 =	660	35 =	2310	60 =	3960	85 =	5610
11 =	726	36 =	2376	61 =	4026	86 =	5676
12 =	792	37 =	2442	62 =	4092	87 =	5742
13 =	858	38 =	2508	63 =	4158	88 =	5808
14 =	924	39 =	2574	64 =	4224	89 =	5874
15 =	990	40 =	2640	65 =	4290	90 =	5940
16 =	1056	41 =	2706	66 =	4356	91 =	6006
17 =	1122	42 =	2772	67 =	4422	92 =	6072
18 =	1188	43 =	2838	68 =	4488	93 =	6138
19 =	1254	44 =	2904	69 =	4554	94 =	6204
20 =	1320	45 =	2970	70 =	4620	95 =	6270
21 =	1386	46 =	3036	71 =	4686	96 =	6336
22 =	1452	47 =	3102	72 =	4752	97 =	6402
23 =	1518	48 =	3168	73 =	4818	98 =	6468
24 =	1584	49 =	3234	74 =	4884	99 =	6534
25 =	1650	50 =	3300	75 =	4950	100 =	6600

**TO REDUCE CHAINS TO FEET.**—For even chains, under column headed "Chains," find the number given, and the corresponding feet will be found opposite, under column headed "Feet."

For links (or one-hundredth of a chain) proceed as if they were chains, and divide the result by 100.

If the number given contains both chains and links, the sum of the two, found separately, will be the required number.

Diagram of Legal Subdivisions of Section

**CALIFORNIA SPANISH LAND MEASURE.****LINEAR MEASURE.**

1 vara = 33 1/4 inches.  
 50 varas = 137 1/2 feet.

100 varas = 275 feet.  
 1900.8 varas = 1 mile.

**SQUARE MEASURE.**

5,645.37 square varas = 1 acre.  
 3,612,800 square varas = 1 sq. mile.

25,000,000 square varas = 1 league.

## MINER'S INCH MEASUREMENTS.

(From National Tube Company's Book of Standards.)

The standard miner's inch of water shall be equivalent to one and one-half **cubic feet of water** per minute measured through any aperture or orifice. (Stats 1901, p. 660.)

The following table gives the discharge in cubic feet per minute of a miner's **inch of water** as measured under the various heads and different lengths and **heights of apertures** used in California.

Openings 2 Inches High.				Openings 4 Inches High.		
Length of Opening in Inches.	Head to Center 5 Inches.	Head to Center 6 Inches.	Head to Center 7 Inches.	Head to Center 5 Inches.	Head to Center 6 Inches.	Head to Center 7 Inches.
	Cu. ft.	Cu. ft.	Cu. ft.	Cu. ft.	Cu. ft.	Cu. ft.
4	1.348	1.473	1.589	1.320	1.450	1.570
6	1.355	1.480	1.596	1.336	1.470	1.595
8	1.359	1.484	1.600	1.344	1.481	1.608
10	1.361	1.485	1.602	1.349	1.487	1.615
12	1.363	1.487	1.604	1.352	1.491	1.620
14	1.364	1.488	1.604	1.354	1.494	1.623
16	1.365	1.489	1.605	1.356	1.496	1.626
18	1.365	1.489	1.606	1.357	1.498	1.628
20	1.365	1.490	1.606	1.359	1.499	1.630
22	1.366	1.490	1.607	1.359	1.500	1.631
24	1.366	1.490	1.607	1.360	1.501	1.632
26	1.366	1.490	1.607	1.361	1.502	1.633
28	1.367	1.491	1.607	1.361	1.503	1.634
30	1.367	1.491	1.608	1.362	1.503	1.635
40	1.367	1.492	1.608	1.363	1.505	1.637
50	1.368	1.493	1.609	1.364	1.507	1.639
60	1.368	1.493	1.609	1.365	1.508	1.640
70	1.368	1.493	1.609	1.365	1.508	1.641
80	1.368	1.493	1.609	1.366	1.509	1.641
90	1.369	1.493	1.610	1.366	1.509	1.641
100	1.369	1.494	1.610	1.366	1.509	1.642

## **WATER MEASUREMENT—CONVENIENT EQUIVALENTS.**

(From Book of Standards of National Tube Company, Pittsburg, Pa.)

- 1 second-foot equals 40 California miner's inches (Law of March 23, 1901).
- 1 second-foot equals 7.48 United States gallons per second; equals 448.8 gallons per minute; equals 646,317 gallons per day.
- 1 second-foot equals 6.23 British imperial gallons per second.
- 1 second-foot for one year covers one square mile 1.131 feet deep; 13.57 inches deep.
- 1 second-foot for one year equals 31,536,000 cubic feet.
- 1 second-foot equals about one acre-inch per hour.
- 1 second-foot falling 10 feet equals 1.136 horse-power.
- 100 California miner's inches equal 18.7 United States gallons per second.
- 100 California miner's inches for one day equal 4.96 acre-feet.
- 100 United States gallons per minute equal 0.223 second-foot.
- 100 United States gallons per minute for one day equal 0.442 acre-foot.
- 1,000,000 United States gallons per day equal 1.55 second-feet.
- 1,000,000 United States gallons equal 3.07 acre-feet.
- 1,000,000 cubic feet equal 22.96 acre-feet.
- 1 acre-foot equals 325.851 gallons.
- 1 inch deep on 1 square mile equals 2,323,200 cubic feet.
- 1 inch deep on 1 square mile equals .0737 second-foot per year.



WATER MEASURES—MORTALITY TABLE.

**AMERICAN EXPERIENCE TABLE OF MORTALITY**

Age.	Death Rate per 1,000.	Average Expectation of Life in Years.	Age.	Death Rate per 1,000.	A Exp Lif
10	7.49	48.7	53	16.33	
11	7.52	48.1	54	17.40	
12	7.54	47.5	55	18.57	
13	7.57	46.8	56	19.89	
14	7.60	46.2	57	21.34	
15	7.63	45.5	58	22.94	
16	7.66	44.9	59	24.72	
17	7.69	44.2	60	26.69	
18	7.73	43.5	61	28.88	
19	7.77	42.9	62	31.29	
20	7.81	42.2	63	33.94	
21	7.86	41.5	64	36.87	
22	7.91	40.9	65	40.13	
23	7.96	40.2	66	43.71	
24	8.01	39.5	67	47.65	
25	8.07	38.8	68	52.00	
26	8.13	38.1	69	56.76	
27	8.20	37.4	70	61.99	
28	8.26	36.7	71	67.67	
29	8.35	36.0	72	73.73	
30	8.43	35.3	73	80.18	
31	8.51	34.6	74	87.03	
32	8.61	33.9	75	94.37	
33	8.72	33.2	76	102.31	
34	8.83	32.5	77	111.06	
35	8.95	31.8	78	120.83	
36	9.09	31.1	79	131.73	
37	9.23	30.4	80	144.47	
38	9.41	29.6	81	158.61	
39	9.59	28.9	82	174.30	
40	9.79	28.2	83	191.56	
41	10.01	27.5	84	211.36	
42	10.25	26.7	85	235.55	
43	10.52	26.0	86	265.68	
44	10.83	25.3	87	303.02	
45	11.16	24.5	88	346.69	
46	11.56	23.8	89	395.86	
47	12.00	23.1	90	454.55	
48	12.51	22.4	91	532.47	
49	13.11	21.6	92	634.26	
50	13.78	20.9	93	734.18	
51	14.54	20.2	94	857.14	
52	15.39	19.5	95	1000.00	

Mortuary Tables for estimating the probable duration of life of a given age are admissible to prove facts of general notoriety and interconnection with such subjects as may be involved in the trial of the cause general, it seems that life tables may be shown by any standard work them. . . . . As courts take judicial notice of standard tables, no preliminary is necessary, *Keast v. Santa Ysabel Gold Mining Co.*, 136 Cal. 259.

**DAMAGE TABLE.**

[The following table contains all the judgments for death or personal injuries affirmed by the Supreme Court or District Courts of Appeal in the last twenty years when the report discloses the character of the injuries and the amount of the judgment.]

Death—Barboza v. Pacific Portland Cement Co., 162 Cal. 36, 120 Pac. 767..	2,500
Permanent injury to arm and ear—Walker v. Southern Pacific Co., 162 Cal. 121, 121 Pac. 369.....	4,000
Injuries from fall—Majors v. Connors, 162 Cal. 131, 121 Pac. 371.....	1,250
Death—Diller v. Northern Cal. Power Co., 162 Cal. 531, Ann. Cas. 1913D, 908 and note, 123 Pac. 359.....	30,000
Loss of both arms and one leg—Zibbell v. Southern Pacific Co., 160 Cal. 237, 116 Pac. 513.....	70,000
Death—Peters v. Southern Pacific Co., 160 Cal. 48, 116 Pac. 400.....	30,000
Both legs broken and bruised, knees injured, side bruised, eye and nose cut—Merrill v. Los Angeles Gas & Electric Co., 158 Cal. 499, 139 Am. St. Rep. 134, 31 L. R. A., N. S., 559, 111 Pac. 534.....	8,555
Death—Valente v. Sierra Ry. Co., 158 Cal. 412, 111 Pac. 95.....	14,000
Burns on head, hands and foot—Dow v. Sunset Telephone & Telegraph Co., 157 Cal. 182, 106 Pac. 587.....	3,500
Injuries from fall (no particulars)—Kirk v. Santa Barbara Ice Co., 157 Cal. 591, 108 Pac. 509.....	500
Injuries to kidney and shock to nervous system, permanently affecting health—Kimic v. San Jose-Los Gatos etc. Ry., 156 Cal. 273, 379, 104 Pac. 312, 986 .....	6,400
Lead poisoning causing partial paralysis—Pigeon v. Fuller, 156 Cal. 691, 105 Pac. 976.....	5,000
Death—Hale v. San Bernardino etc. Co., 156 Cal. 713, 106 Pac. 83.....	12,000
Injury to hand—Larsen v. Bloemer, 156 Cal. 752, 106 Pac. 52.....	2,250
Injury to hand—Quinn v. Electric Laundry Co., 155 Cal. 500, 17 Ann. Cas. 1100, 101 Pac. 794.....	2,500
Loss of eye—Boin v. Spreckels Sugar Co., 155 Cal. 612, 102 Pac. 937.....	5,000
Death—Johnson v. Southern Pacific Co., 154 Cal. 285, 97 Pac. 520.....	8,000
Injuries from contact with electric wire—Reeve v. Colusa Gas & R. Co., 152 Cal. 99, 92 Pac. 89.....	30,000
Death—Salmon v. Rathjens, 152 Cal. 291, 92 Pac. 733.....	4,500
Loss of three fingers—O'Neill v. Thomas Day Co., 152 Cal. 357, 92 Pac. 856..	3,000
Permanent disability—Bonneau v. North Shore R. Co., 152 Cal. 406, 125 Am. St. Rep. 68, 93 Pac. 106.....	7,500
Loss of right leg—Jensen v. Will & Finck, 150 Cal. 398, 89 Pac. 113....	7,500
Fracture of thigh—Kline v. Santa Barbara Ry. Co., 150 Cal. 741, 90 Pac. 125 .....	8,000
Death—Forsythe v. Los Angeles Ry. Co., 149 Cal. 569, 87 Pac. 24.....	4,000
Bruise of arm and shoulder and nervous shock—Cody v. Market St. Ry. Co., 148 Cal. 90, 82 Pac. 666.....	750
Death—Bilton v. Southern Pacific Co., 148 Cal. 443, 83 Pac. 440.....	3,000
Loss of hand—Anderson v. Seropian, 147 Cal. 201, 81 Pac. 521.....	7,500

Permanent disabling of wrist—Davis v. Diamond Carriage etc. Co., 146 Cal. 59, 79 Pac. 596.....	500
Permanent injury to jaw—Mernin v. Cory, 145 Cal. 573, 79 Pac. 174.....	2,000
Death—Shea v. Pacific Power Co., 145 Cal. 680, 79 Pac. 373.....	10,000
Death—Dyas v. Southern Pac. Co., 140 Cal. 296, 73 Pac. 972.....	6,000
Death—Skelton v. Pacific Lumber Co., 140 Cal. 507, 74 Pac. 13.....	18,000
Death—Harrington v. Los Angeles Ry. Co., 140 Cal. 514, 98 Am. St. Rep. 85, 63 L. R. A. 238, 74 Pac. 15.....	10,000
Loss of leg—Wall v. Marshutz & Cantrell, 138 Cal. 522, 71 Pac. 692.....	5,000
Death—Murphy v. Coppieters, 136 Cal. 317, 68 Pac. 970.....	2,250
Permanent injuries to head—Dolan v. Sierra Ry. Co., 135 Cal. 435, 67 Pac. 686.....	7,000
Thigh crushed—O'Connor v. Golden Gate etc. Co., 135 Cal. 537, 87 Am. St. Rep. 127, 67 Pac. 966.....	300
Injuries from electric shock and fall—Tedford v. Los Angeles Electric Co., 134 Cal. 76, 54 L. R. A. 85, 66 Pac. 76.....	15,000
Injured knee—Sheyer v. Lowell, 134 Cal. 357, 66 Pac. 307.....	300
Death—Schneider v. Market St. Ry. Co., 134 Cal. 482, 66 Pac. 734.....	5,000
Broken arm—Wahlgren v. Market St. Ry. Co., 132 Cal. 656, 62 Pac. 308, 64 Pac. 993.....	1,000
Broken ribs and permanent internal injuries—Meyer v. Haas, 126 Cal. 560, 58 Pac. 1042.....	1,500
Permanent shortening of leg—Roche v. Redington, 125 Cal. 174, 57 Pac. 890.....	4,000
Injury from overturned wagon (no particulars)—Tompkins v. Montgomery, 123 Cal. 219, 55 Pac. 997.....	13,500
Hearing destroyed, eye impaired, shock to nervous system—Clare v. Sacramento Electric etc. Co., 122 Cal. 504, 55 Pac. 326.....	2,000
Flayed by steam—Nofsinger v. Goldman, 122 Cal. 609, 55 Pac. 425.....	5,000
Fractured coccyx and spinal injuries—Clowdis v. Fresno Flume etc. Co., 118 Cal. 315, 62 Am. St. Rep. 238, 50 Pac. 373.....	5,500
Scalding—Russell v. Pacific Can Co., 116 Cal. 527, 48 Pac. 616.....	2,500
Loss of hand—Verdelli v. Grays Harbor Co., 115 Cal. 517, 47 Pac. 364, 778.....	5,000
Broken thigh bone—Daly v. Hinz, 113 Cal. 366, 45 Pac. 693.....	1,000
Death—Redfield v. Oakland Consolidated, 110 Cal. 277, 42 Pac. 822, 1063...	14,000
Broken leg—Anderson v. Hinshaw, 110 Cal. 682, 43 Pac. 389.....	1,000
Loss of leg—Hansen v. Southern Pacific Co., 105 Cal. 379, 38 Pac. 957....	10,000
Scalding shoulders and back—Nixon v. Selby Smelting Co., 102 Cal. 458, 36 Pac. 803.....	3,816
Injuries by fall from scaffold (no particulars)—McNamara v. Maedonough, 102 Cal. 575, 36 Pac. 941.....	4,500
Injuries to head and skull—Healy v. Visalia R. R. Co., 101 Cal. 585, 36 Pac. 125 .....	7,200
Broken wrist—Carraber v. San Francisco Bridge Co., 100 Cal. 177, 34 Pac. 828.....	1,000
Broken leg and other serious injuries (no particulars)—Smith v. Occidental & Oriental S. S. Co., 99 Cal. 462, 34 Pac. 84.....	3,000
Death—Daves v. Southern Pacific Co., 98 Cal. 19, 35 Am. St. Rep. 133, 32 Pac. 708.....	9,000

Permanent injuries from fall from train (no particulars)—Carr v. Eel River R. R. Co., 98 Cal. 366, 21 L. R. A. 354, 33 Pac. 213.....	5,000
Injuries from bite of dog—Boyd v. Oddous, 97 Cal. 510, 32 Pac. 569.....	450
Death—Driscoll v. Market St. Cable Co., 97 Cal. 553, 33 Am. St. Rep. 203, 32 Pac. 591.....	7,775
Fractured leg permanently shortened, cut on head and broken nose—O'Connell v. United Railroads, 19 Cal. App. 36, 124 Pac. 1022.....	6,000
Severe shock from fall and other injuries—Scharpf v. Union Oil Co., 19 Cal. App. 100, 124 Pac. 864.....	2,500
Leg broken, bones splintered, two ribs broken—Hayes v. Western Fuel Co., 19 Cal. App. 635, 127 Pac. 518.....	5,000
Breaking leg and bruising body—Jessen v. Peterson, 18 Cal. App. 349, 123 Pac. 619.....	1,000
Thrown down and injured (no particulars)—Talbot v. Ginocchio, 18 Cal. App. 390, 123 Pac. 223.....	350
Scalding—permanently disabling hands and disfiguring face, ears and ankles, bruise on knee, rib injured and shock—Edmunds v. Southern Pacific Co., 18 Cal. App. 533, 123 Pac. 811.....	5,000
Permanent injuries from collision (no particulars)—Schermmerhorn v. Los Angeles Pac. Ry. Co., 18 Cal. App. 454, 123 Pac. 351.....	6,000
Grave physical injuries (no particulars)—Patton v. Los Angeles Pacific Co., 18 Cal. App. 522, 123 Pac. 613.....	12,500
Foot crushed—Hawley v. Los Angeles Creamery Co., 16 Cal. App. 50, 116 Pac. 84.....	3,750
Collar-bone broken and bruises—McKernan v. Los Angeles Gas etc. Co., 16 Cal. App. 280, 116 Pac. 677.....	2,750
Permanent spinal injury—Griffith v. Los Angeles Pacific Co., 14 Cal. App. 145, 111 Pac. 107.....	7,500
Injuries resulting in loss of earning power to physician (no particulars)—Washington v. Pacific Electric R. Co., 14 Cal. App. 685, 112 Pac. 904...	4,250
Injuries of severe and permanent character (no particulars)—Roberts v. Sierra Railroad Co., 14 Cal. App. 180, 111 Pac. 519, 527.....	5,760
Loss of right arm—Diehl v. Swett-Davenport Furniture Co., 14 Cal. App. 495, 112 Pac. 561.....	5,000
Death of minor son—Clark v. Tulare Lake Dredging Co., 14 Cal. App. 414, 112 Pac. 564.....	5,000
Nervous shock, sprain of back, double inguinal hernia disabling for life—Klein v. Atchison etc. Ry. Co., 12 Cal. App. 287, 107 Pac. 147.....	8,500
Death—Fujise v. Los Angeles Ry. Co., 12 Cal. App. 207, 107 Pac. 317.....	2,000
Permanent injuries to hand and arm of student of music—Scally v. Garrett & Co., 11 Cal. App. 138, 104 Pac. 325.....	7,500
Fall from moving car (no particulars)—Nilson v. Oakland Traction Co., 10 Cal. App. 103, 101 Pac. 413.....	2,500
Injuries from fall through manhole (no particulars)—Pearson v. Potter Co., 10 Cal. App. 245, 101 Pac. 681.....	1,844
Permanent injury to arm—Braly v. Fresno City Railway Co., 9 Cal. App. 417, 99 Pac. 400.....	5,000
Injuries from fall of scaffold (no particulars)—Irrgang v. Ott, 9 Cal. App. 440, 99 Pac. 528.....	600

# DAMAGE TABLE.

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<b>Permanent injuries (not specified)—King v. Green, 7 Cal. App. 473, 94 Pac. 777 .....</b>	<b>7,000</b>
<b>Fracture of thigh—Zipperlen v. Southern Pacific Co., 7 Cal. App. 206, 93 Pac. 1049 .....</b>	<b>4,125</b>
<b>Broken arm—Doherty v. Cal. Navigation etc. Co., 6 Cal. App. 131, 91 Pac. 419 .....</b>	<b>575</b>
<b>Death—Williams v. S. F. etc. Ry. Co., 6 Cal. App. 715, 93 Pac. 122.....</b>	<b>3,000</b>
<b>Injuries from fall—(not specified)—Doyle v. Eschen, 5 Cal. App. 55, 89 Pac. 836.....</b>	<b>7,500</b>
<b>Fracture of skull—Cordiner v. Los Angeles Traction Co., 5 Cal. App. 400, 91 Pac. 436.....</b>	<b>5,000</b>
<b>Death—Brown v. Sierra Lumber Co., 3 Cal. App. 312, 84 Pac. 1010.....</b>	<b>5,000</b>
<b>Injury to fingers—Sheehan v. Hammond, 2 Cal. App. 371, 84 Pac. 340.....</b>	<b>1,000</b>
<b>Injury from fall—Griffin v. Pacific Electric Ry., 1 Cal. App. 678, 82 Pac. 1084.....</b>	<b>1,000</b>
<b>Cut in scalp and concussion of brain—Wood v. Los Angeles Traction Co., 1 Cal. App. 474, 82 Pac. 547.....</b>	<b>2,000</b>

**NOTE.**—For exhaustive lists of damage verdicts in personal injury cases, see the note to *Ruck v. Milwaukee*, Ann. Cas. 1913A, 1356, and also note to *Cleveland E. R. Co. v. Hadley*, 16 Ann. Cas. 1.

## TABLE OF CREDITS TO CONVICTS.<sup>1</sup>

For good behavior and faithful observance of the rules of the prison, the following credits are given to convicts by the statute of 1889. Any portion of the credits may be taken away by the directors in case of violation of the provisions of the law or regulations.

Sentence, in Years.	Actual Time of Sentence when Credits. Reduced by Credits.		
	Credits. Months.	Years.	Months.
One-half .....	1		5
One .....	2		10
One and one-half .....	3	1	3
Two .....	4	1	8
Two and one-half .....	6	2	
Three .....	8	2	4
Three and one-half .....	10	2	8
Four .....	12	3	
Four and one-half .....	14½	3	3½
Five .....	17	3	7
Five and one-half .....	19½	3	10½
Six .....	22	4	2
Six and one-half .....	24½	4	5½
Seven .....	27	4	9
Seven and one-half .....	29½	5	½
Eight .....	32	5	4
Eight and one-half .....	34½	5	7½
Nine .....	37	5	11
Nine and one-half .....	39½	6	2½
Ten .....	42	6	6
Ten and one-half .....	44½	6	9½
Eleven .....	47	7	1
Eleven and one-half .....	49½	7	4½
Twelve .....	52	7	8
Twelve and one-half .....	54½	7	11½
Thirteen .....	57	8	3
Thirteen and one-half .....	59½	8	6½
Fourteen .....	62	8	10
Fourteen and one-half .....	64½	9	1½
Fifteen .....	67	9	5
Fifteen and one-half .....	69½	9	8½
Sixteen .....	72	10	
Sixteen and one-half .....	74½	10	3½
Seventeen .....	77	10	7
Seventeen and one-half .....	79½	10	10½
Eighteen .....	82	11	2
Eighteen and one-half .....	84½	11	5½
Nineteen .....	87	11	9
Nineteen and one-half .....	89½	12	½
Twenty .....	92	12	4
Twenty and one-half .....	94½	12	7½
Twenty-one .....	97	12	11
Twenty-one and one-half .....	99½	13	2½
Twenty-two .....	102	13	6
Twenty-two and one-half .....	104½	13	9½
Twenty-three .....	107	14	1
Twenty-three and one-half .....	109½	14	4½
Twenty-four .....	112	14	8

<sup>1</sup> Penal Code, sec. 1588.

Sentence, in Years.	Credits.	Actual Time of Sentence when Reduced by Credits.	
		Months.	Months.
Twenty-four and one-half .....	114½	14	11½
Twenty-five .....	117	15	3
Twenty-five and one-half .....	119½	15	6½
Twenty-six .....	122	15	10
Twenty-six and one-half .....	124½	16	1½
Twenty-seven .....	127	16	5
Twenty-seven and one-half .....	129½	16	8½
Twenty-eight .....	132	17	
Twenty-eight and one-half .....	134½	17	3½
Twenty-nine .....	137	17	7
Twenty-nine and one-half .....	139½	17	10½
Thirty .....	142	18	2
Thirty and one-half .....	144½	18	5½
Thirty-one .....	147	18	9
Thirty-one and one-half .....	149½	19	½
Thirty-two .....	152	19	4
Thirty-two and one-half .....	154½	19	7½
Thirty-three .....	157	19	11
Thirty-three and one-half .....	159½	20	2½
Thirty-four .....	162	20	6
Thirty-four and one-half .....	164½	20	9½
Thirty-five .....	167	21	1
Thirty-five and one-half .....	169½	21	4½
Thirty-six .....	172	21	8
Thirty-six and one-half .....	174½	21	11½
Thirty-seven .....	177	22	3
Thirty-seven and one-half .....	179½	22	6½
Thirty-eight .....	182	22	10
Thirty-eight and one-half .....	184½	23	1½
Thirty-nine .....	187	23	5
Thirty-nine and one-half .....	189½	23	8½
Forty .....	192	24	
Forty and one-half .....	194½	24	3½
Forty-one .....	197	24	7
Forty-one and one-half .....	199½	24	10½
Forty-two .....	202	25	2
Forty-two and one-half .....	204½	25	5½
Forty-three .....	207	25	9
Forty-three and one-half .....	209½	26	1½
Forty-four .....	212	26	4
Forty-four and one-half .....	214½	26	7½
Forty-five .....	217	26	11
Forty-five and one-half .....	219½	27	2½
Forty-six .....	222	27	6
Forty-six and one-half .....	224½	27	9½
Forty-seven .....	227	28	1
Forty-seven and one-half .....	229½	28	4½
Forty-eight .....	232	28	8
Forty-eight and one-half .....	234½	28	11½
Forty-nine .....	237	29	3
Forty-nine and one-half .....	239½	29	6½
Fifty .....	242	29	10

**TABLE OF INTEREST RATES.**

	Legal.	Contract.	Penalty for Usury	Forfeiture of.
Alabama	8	8	Excess	
Alaska	8	12		
Arizona	6	Any	None	
Arkansas	6	10	Principal and Interest	
California	7	Any	None	
Colorado	8	Any	None	
Connecticut	6	6	None	
Delaware	6	6	Principal and Interest	
District of Columbia	6	10	Interest	
Florida	8	10	Interest	
Georgia	7	8	Excess	
Idaho	7	12	Interest	
Illinois	5	7	Interest	
Indiana	6	8	Excess	
Iowa	6	8	Excess	
Kansas	6	10	Double Excess	
Kentucky	6	6	Excess	
Louisiana	5	8	Interest	
Maine	6	Any	None	
Maryland	6	6	Excess	
Massachusetts	6	Any	None	
Michigan	5	7	Excess	
Minnesota	6	10	Principal and Interest	
Mississippi	6	10	Interest	
Missouri	6	8	Interest	
Montana	8	Any	None	
Nebraska	7	10	Interest	
Nevada	7	Any	None	
New Hampshire	6	6	Treble Excess	
New Jersey	6	6	Interest	
New Mexico	6	12	Double Interest	
New York	6	6	Principal and Interest	
North Carolina	6	6	Interest	
North Dakota	7	12	Interest	
Ohio	6	8	Excess	
Oklahoma	6	10	Interest	
Oregon	6	6	Excess	
Pennsylvania	6	6	Excess	
Rhode Island	6	Any	None	
South Carolina	7	8	Interest	
South Dakota	7	12	Double Interest	
Tennessee	6	6	Excess	
Texas	6	10	Double Excess	
Utah	8	12	Principal and Interest	
Vermont	6	6	Excess	
Virginia	6	6	Interest	
Washington	6	12	Double Interest	
West Virginia	6	6	Excess	
Wisconsin	6	10	Treble Excess	
Wyoming	8	12	Interest	



## **SYNOPSIS OF DIVORCE LAWS.**

### **ALABAMA.**

**Residence:** Three years.

**Grounds:**

Impotency.

Adultery.

Abandonment for two years.

Imprisonment for two years or sentence for seven years or over.

Crime against nature before or after marriage.

Habitual drunkenness acquired after marriage.

**In favor of wife:**

Habitual drunkenness at time of marriage if not known to her.

Actual violence, attended with danger to life or health.

Conduct producing reasonable apprehension of such violence.

Habitual use of opium, morphine, cocaine and like drugs.

**In favor of husband:**

Pregnancy of wife at time of marriage with her knowledge or agency.

**Remarriage:** After time for appeal elapsed.

### **ALASKA.**

**Annulment:**

**Residence:** Two years.

**Grounds:**

Felony.

Desertion—Two years.

Adultery.

Habitual drunkenness—One year.

Impotency at time of marriage.

Cruel and inhuman treatment.

**Annulment:**

Former marriage.

Want of age or understanding.

Force or fraud.

**Remarriage:** After time for appeal elapsed.

### **ARIZONA.**

**Residence:** State, one year; county, six months.

**Grounds:**

Any impediment rendering contract void.

Adultery.

Physical incompetency continued from time of marriage to commencement of suit.

Conviction and imprisonment for felony for one year, where neither husband nor wife was witness against the other.

Willful desertion for one year.

Excesses, cruel treatment or outrages toward other party.

Habitual intemperance.

Neglect of husband to provide for one year.

Conviction of felony prior to marriage without knowledge of other party at time of marriage.

Pregnancy of wife at time of marriage by other than husband.

#### **ARKANSAS.**

Residence: One year.

Grounds:

Impotency.

Willful desertion for one year.

Other husband or wife living at time of marriage.

Conviction of felony or infamous crime.

Habitual drunkenness—One year.

Physical incapacity.

Cruelty or barbarous treatment.

#### **CALIFORNIA.**

Residence: State, one year; County, ninety days.

Grounds:

Cruelty.

Desertion—One year.

Felony.

Adultery.

Willful neglect—One year.

Habitual drunkenness.

#### **COLORADO.**

Residence: One year.

Grounds:

Desertion—One year.

Impotency continuing from time of marriage or resulting from subsequent immoral or criminal conduct.

Extreme cruelty:

Failure to provide—One year.

Habitual drunkenness—One year.

Adultery.

Felony or infamous crime.

Former marriage existing at time of marriage.

Remarriage: One year after date of decree.

#### **CONNECTICUT.**

Residence: One year.

Grounds:

Fraudulent contract.

Willful desertion—Three years with total neglect of duty.

Habitual intemperance.

Intolerable cruelty:

Imprisonment for life.

Infamous crime involving violation of conjugal duty and punishable by imprisonment in state's prison.

Seven years' absence without being heard from.

Adultery.

Remarriage: No restriction.

**DELAWARE.**

Residence: Two years.

Grounds:

Desertion—Three years.

Habitual drunkenness—Two years.

Extreme cruelty:

Impotency at time of marriage.

Bigamy.

Felony, followed by continuous imprisonment for two years.

Fraud (at discretion of court).

Want of age (discretionary).

Neglect to provide—Three years (discretionary).

Adultery.

**DISTRICT OF COLUMBIA.**

Residence: Two years, where cause arose out of district.

Grounds:

Adultery (*a vinculo*).

Drunkenness (*a mensa*).

Cruelty (*a mensa*).

Desertion (*a mensa*).

Annulment:

Former existing marriage.

Lunacy.

Fraud.

Coercion.

Physical incapacity.

Want of age.

Adultery.

Remarriage: Permitted to innocent party.

**FLORIDA.**

Residence: Two years, except for adultery within the state.

Grounds:

Extreme Cruelty:

Habitual indulgence in violent or ungovernable temper.

Habitual intemperance.

Physical incapacity.

Desertion—One year.

Former existing marriage.

Relationship within prohibited degrees.

Adultery.

Divorce obtained by defendant in another county.

Remarriage: No restriction.

**GEORGIA.**

Residence: One year.

Grounds:

Mental incapacity at time of marriage.

Impotency at time of marriage.

Desertion—Three years.

Conviction of offense involving moral turpitude and sentence for two years.

Cruel treatment.

Habitual intoxication.

Force, menace, duress, or fraud in obtaining marriage.

Pregnancy of wife by other than husband at time of marriage.

Relationship within prohibited degrees.

Adultery.

Remarriage: No restriction.

**HAWAII.**

Residence: Two years.

Grounds:

Adultery.

Desertion—One year.

Sentence to imprisonment for life or over seven years.

Leprosy.

Extreme cruelty.

Habitual intemperance.

Nonsupport for sixty days.

Annulment:

Relationship within fourth degree.

Nonage.

Prior marriage in existence.

Idiocy, or lunacy.

Physical incompetence.

**IDAHO.**

Residence: One year.

Grounds:

Extreme cruelty.

Desertion—One year.

Neglect—One year.

Habitual drunkenness—One year.

Felony.

Insanity and confinement in asylum for six months.

Adultery.

**ILLINOIS.**

Residence: One year, except where offense committed within the State, or while party resided there.

Grounds:

Desertion—Two years.

Habitual drunkenness—Two years.

Former existing marriage.

Extreme and repeated cruelty:

Felony or infamous crime.

Impotence.

Malicious attempt on life of other party.

Adultery.

Remarriage: Permitted after one year from date of decree—Two years to party guilty of adultery.

**INDIANA.**

Residence: State, two years; County, six months.

Grounds:

Abandonment—Two years.

Cruelty and inhuman treatment.

Habitual drunkenness.

Failure to provide—Two years.

Conviction of infamous crime.

Impotency at time of marriage.

Adultery.

Desertion—Six months (temporary separation).

Habitual cruelty (temporary).

Constant strife (temporary).

Confirmed use of drugs (temporary).

Neglect of conjugal duty—Six months (temporary).

**IOWA.**

Residence: One year.

Grounds:

Desertion—Two years.

Felony.

Habitual drunkenness.

Adultery.

Inhuman treatment.

Pregnancy of wife by other than husband at time of marriage, unless husband has illegitimate child or children living of which wife did not know at time of marriage.

Annulment:

Insanity—At time of marriage.

Physical incapacity—At time of marriage.

Former existing marriage—At time of marriage.

Consanguinity.

Remarriage: One year after decree, unless otherwise provided therein.

**KANSAS.**

Residence: One year.

Grounds:

Adultery.

Abandonment—One year.

Extreme cruelty:

Fraud.

Habitual drunkenness.

Gross neglect of duty.  
Felony and imprisonment therefor.  
Impotency.  
Pregnancy of wife by other than husband at time of marriage.  
Former existing marriage.

**Annulment:**

Want of capacity or understanding.

**KENTUCKY.**

Residence: One year.

**Grounds:**

Living in adultery.  
Separation—Five years.  
Desertion—One year.  
Felony.  
Physical incapacity.  
Loathsome disease.  
Habitual drunkenness—One year.  
Habitual cruel behavior of husband toward wife for six months.  
Force, fraud or duress in obtaining marriage.  
Joining religious sect requiring renunciation of marriage, or forbidding co-habitation.  
Pregnancy of wife by other than husband at time of marriage.  
Subsequent unchaste behavior of wife.  
Attempted injury to wife indicating ungovernable temper of husband.  
Remarriage: No restriction.

**LOUISIANA.**

Residence: No requirement.

**Grounds:**

Adultery.  
Felony—Infamous punishment.  
Habitual drunkenness.  
Excesses.  
Cruelty or outrages.  
Public defamation of other party.  
Abandonment.  
Attempt on life of other party.  
Fugitive from justice for infamous offense.  
Remarriage: No restriction.

**MAINE.**

Residence: One year.

**Grounds:**

Adultery.  
Extreme cruelty:  
Desertion—Three years.  
Impotence.  
Habits of intoxication by liquor, opium or other drugs.

Neglect to provide.

Insanity followed by confinement in asylum for fifteen years.

Remarriage: No restriction.

**MARYLAND.**

Residence: Two years for cause arising out of state.

Grounds:

Adultery.

Abandonment—Three years.

Unchastity of wife before marriage, unknown to husband.

Physical incapacity.

Any cause which renders marriage null and void *ab initio*.

Vicious conduct (*a mensa*).

Cruelty (*a mensa*).

Abandonment (*a mensa*).

Desertion (*a mensa*).

Remarriage: No restriction.

**MASSACHUSETTS.**

Residence: Three to five years.

Grounds:

Adultery.

Cruelty.

Desertion—three years.

Habitual intoxication by liquor, opium or drugs.

Neglect to provide.

Impotence.

Sentence to imprisonment for five years.

Uniting for three years with religious sect believing marriage unlawful and refusing to cohabit.

Remarriage: not permitted to defendant for two years.

**MICHIGAN.**

Residence: One year.

Grounds:

Adultery.

Felony.

Desertion—Two years.

Physical incapacity at time of marriage.

Habitual drunkenness.

Cruelty (discretionary).

Failure to provide (discretionary).

Imprisonment for life.

Imprisonment for three years without pardon.

Obtaining divorce in another State.

Remarriage: Not permitted to guilty party within two years from decree.

**MINNESOTA.**

Residence: One year.

Grounds:

Adultery.

Desertion—One year.  
Habitual drunkenness—One year.  
Cruelty.  
Impotency.  
Imprisonment in state prison or reformatory.  
Conduct rendering it unsafe for wife to cohabit with husband.  
Remarriage: No restriction.

#### MISSISSIPPI.

Residence: One year.

Grounds:

Adultery.  
Felony.  
Desertion—Two years.  
Consanguinity—Marriage within prohibited degrees.  
Physical incapacity.  
Habitual drunkenness by liquor, opium or other drugs.  
Cruelty.  
Insanity or idiocy at time of marriage.  
Former existing marriage.  
Pregnancy of wife by other than husband at time of marriage.  
Remarriage: No restriction.

#### MISSOURI.

Residence: One year.

Grounds:

Adultery.  
Felony or infamous crime.  
Absence—One year.  
Habitual drunkenness—One year.  
Cruelty.  
Indignities rendering condition intolerable.  
Vagrancy.  
Former existing marriage.  
Physical incapacity.  
Conviction of felony prior to marriage unknown to other party.  
Pregnancy of wife by other than husband at time of marriage.  
Remarriage: No restriction.

#### MONTANA.

Residence: One year.

Grounds:

Adultery.  
Extreme cruelty:  
Desertion—One year.  
Neglect—One year.  
Habitual intemperance—One year.  
Felony.  
Remarriage: Innocent party may remarry in two years; guilty party in three years.



**NEBRASKA.**

Residence: One year—Two years for grounds arising out of State.

Grounds:

- Adultery.
- Abandonment—Two years.
- Habitual drunkenness.
- Physical incapacity.
- Felony.
- Failure to support.
- Cruelty.
- Sentence to imprisonment for three years.
- Remarriage: No restriction.

**NEVADA.**

Residence: Six months.

Grounds:

- Adultery.
- Desertion—One year.
- Felony or infamous crime.
- Habitual drunkenness.
- Impotency.
- Extreme cruelty:
  - Neglect to provide—One year.
- Remarriage: No restriction.

**NEW HAMPSHIRE.**

Residence: One year.

Grounds:

- Adultery.
- Cruelty.
- Imprisonment for more than one year.
- Physical incapacity.
- Absence—Three years without being heard of.
- Habitual drunkenness—Three years.
- Failure to provide—Three years.
- Treatment endangering health or reason.
- Union with sect regarding marriage unlawful.
- Wife separate without the State ten years.
- Husband absent from the United States three years intending to become citizen of another country without making any provision for wife's support.
- Remarriage: No restriction.

**NEW JERSEY.**

Residence: Two years (except for adultery).

Grounds:

- Adultery (*a vinculo*).
- Desertion—two years (*a vinculo*).
- Cruelty (*a mensa*).

**Annulment:**

Want of legal age.

Former existing marriage.

Physical incapacity.

Consanguinity within prohibited degrees.

Idiocy.

Remarriage: No restriction.

**NEW MEXICO.**

Residence: One year.

**Grounds:**

Adultery.

Abandonment.

Cruelty.

Neglect to provide.

Habitual drunkenness.

Imprisonment for felony.

Impotency.

Pregnancy of wife by other than husband at marriage.

Remarriage: No restriction.

**NEW YORK.**

Residence: Two years.

**Grounds:**

Adultery.

**Annulment:**

Want of age.

Former marriage.

Idiocy.

Lunacy.

Force, duress, fraud.

Physical incapacity.

Remarriage: Permitted to defendant after five years with permission of court.

**NORTH CAROLINA.**

Residence: No requirement.

**Grounds:**

Adultery by either party.

Fornication by husband.

Pregnancy of wife by other than husband at marriage.

Physical incapacity.

Separation for ten years and there being no issue.

Abandonment (*a mensa*).

Turning other party out of doors (*a mensa*).

Cruel or barbarous treatment endangering life of other (*a mensa*).

Indignities rendering condition intolerable (*a mensa*).

Habitual drunkenness (*a mensa*).

Remarriage: No restriction.

**NORTH DAKOTA.**

Residence: One year.

Grounds:

- Adultery.
- Cruelty.
- Desertion—One year.
- Neglect—One year.
- Habitual drunkenness—One year.
- Felony.

Annulment:

- Former existing marriage.
- Insanity at time of marriage.
- Physical incapacity at time of marriage.
- Force or fraud in inducing marriage.
- Want of age.

**OHIO.**

Residence: One year.

Grounds:

- Adultery.
- Absence—Three years.
- Cruelty.
- Fraudulent contract.
- Gross neglect of duty—Three years.
- Habitual drunkenness—Three years.
- Imprisonment in penitentiary.
- Former existing marriage.
- Procurement of divorce without the state by one party which continues marriage binding upon other party.
- Physical incapacity.

Remarriage: No restriction.

**OKLAHOMA.**

Residence: One year.

Grounds:

- Adultery.
- Abandonment—One year.
- Cruelty.
- Fraud.
- Habitual drunkenness.
- Conviction of felony and imprisonment subsequent to marriage.
- Gross neglect of duty.
- Physical incapacity.
- Former existing marriage.
- Pregnancy of wife by other than husband at time of marriage.

Remarriage: No restriction.

**OREGON.**

Residence: One year.

Grounds:

- Adultery.

Felony.  
Habitual drunkenness—One year.  
Physical incapacity.  
Desertion—One year.  
Cruelty or personal indignities rendering life burdensome.  
Remarriage: No restriction.

#### PENNSYLVANIA.

Residence: One year, except for divorce (*a mensa*).

Grounds:

Adultery.  
Former existing marriage.  
Desertion—Two years.  
Personal abuse or conduct rendering life burdensome.  
Certain felonies.  
Fraud, force or coercion.  
Relationship within prohibited degrees.  
Physical incapacity.  
Lunacy.  
Adultery (*a mensa*).  
Abandonment (*a mensa*).  
Turning wife out of doors or compelling her to withdraw from house (*a mensa*).  
Remarriage: No restriction except that adulterous party cannot marry co-respondent.

#### RHODE ISLAND.

Residence: Two years.

Grounds:

Adultery.  
Cruelty.  
Desertion—Five years or (discretionary) less.  
Habitual drunkenness.  
Excessive use of morphine, chloral or opium.  
Neglect to provide—One year.  
Gross misbehavior repugnant to marriage covenant.  
Living separate ten years.  
Physical incapacity.  
Civil death for crime or absence.  
Annulment:  
For causes rendering marriage originally void or voidable.  
Remarriage: No restriction.

#### SOUTH CAROLINA.

No divorce law.

#### SOUTH DAKOTA.

Residence: Six months—One year for causes arising out of the state.

Grounds:

Adultery.  
Cruelty.

Desertion—One year.  
Neglect—One year.  
Habitual drunkenness—One year.  
Felony.

**Annulment:**

Want of age.  
Former existing marriage.  
Insanity at time of marriage.  
Physical incapacity at time of marriage.  
Force or fraud inducing marriage.

Remarriage: No restriction.

**TENNESSEE.**

Residence: Two years for causes arising out of state.

**Grounds:**

Adultery.  
Former existing marriage.  
Desertion—Two years.  
Felony or infamous crime.  
Physical incapacity.  
Attempt on life of other party by poison or other means showing malice.  
Refusal of wife to live with husband in the state and absenting herself two years.  
Pregnancy of wife by other than husband at marriage.  
Cruelty (discretionary).  
Indignities (discretionary).  
Abandonment (discretionary).  
Neglect to provide (discretionary).  
Habitual drunkenness (discretionary).

Remarriage: No restriction.

**TEXAS.**

Residence: Six months in State and County.

**Grounds:**

Adultery.  
Abandonment—Three years.  
Physical incapacity.  
Cruelty.  
Excess.  
Outrages rendering life insupportable.  
Felony and imprisonment therefor.

Remarriage: No restriction.

**UTAH.**

Residence: One year.

**Grounds:**

Adultery.  
Desertion—One year.  
Physical incapacity.

Habitual drunkenness.  
Felony.  
Cruelty.  
Permanent insanity after five years.  
Neglect to provide.  
Remarriage: No restriction.

**VERMONT.**

Residence: One year, certain causes arising out of state—Two years.  
Grounds:

Adultery.  
Imprisonment—Three years.  
Intolerable severity.  
Desertion—Three years.  
Neglect to provide.  
Absence seven years without being heard from.  
Remarriage: Forbidden to defendant for three years.

**VIRGINIA.**

Residence: One year.  
Grounds:

Adultery.  
Insanity at marriage.  
Felony.  
Desertion—Three years.  
Fugitive from justice—Two years.  
Pregnancy of wife by other than husband at marriage.  
Wife a prostitute prior to marriage without knowledge of husband.  
Either party convicted of infamous offense before marriage unknown to other.  
Physical incapacity.  
Remarriage: No restriction.

**WASHINGTON.**

Residence: One year.  
Grounds:

Adultery.  
Abandonment—One year.  
Fraud or force.  
Habitual drunkenness.  
Refusal to provide.  
Imprisonment in penitentiary  
Physical incapacity.  
Incurable insanity which has existed for ten years.  
Cruelty.  
Indignities rendering life burdensome.  
Other cause deemed sufficient by the court.  
Remarriage: Forbidden to either party within six months.

**WEST VIRGINIA.**

**Residence:** One year.

**Grounds:**

Adultery.

Desertion—Three years.

Sentence to confinement in penitentiary.

Physical incapacity.

Pregnancy of wife by other than husband at marriage.

Husband a licentious character or wife a prostitute unknown to other party.

Either party convicted of felony before marriage unknown to other.

**Annulment:**

Former existing marriage.

Consanguinity.

Insanity at time of marriage.

Physical incapacity at time of marriage.

Miscegenation.

Want of age.

**Remarriage:** No restriction.

**WISCONSIN.**

**Residence:** Two years, except for bigamy or adultery.

**Grounds:**

Adultery.

Felony with imprisonment—Three years.

Desertion—One year.

Cruelty.

Physical incapacity.

Habitual drunkenness—One year.

Separation—Five years.

Cruelty (discretionary).

Neglect to provide (discretionary).

**Annulment:**

Want of age or understanding.

Consanguinity.

Force or fraud in inducing marriage.

Incurable impotence.

Insanity.

**Remarriage:** Prohibited for one year after entry of judgment.

**WYOMING.**

**Residence:** One year.

**Grounds:**

Adultery.

Felony and sentence thereon.

Desertion—One year.

Habitual drunkenness.

Conviction of felony or infamous crime prior to marriage without knowledge on the part of plaintiff.

Cruelty.

Neglect to provide—One year.  
 Husband a vagrant.  
 Physical incapacity.  
 Indignities rendering condition intolerable.  
 Pregnancy of wife by other than husband at marriage.  
 Annulment:  
   Want of age.  
   Force.  
   Fraud.  
 Remarriage: No restriction.

## CALIFORNIA CORPORATION FEES AND TAXES.

Capitalization not Exceeding.	DOMESTIC.		FOREIGN.	
	Organization.	Annual.	Entrance.	Annual.
\$10,000.....	\$15.....	\$10.....	\$15.....	\$10.....
20,000.....	15.....	15.....	15.....	15.....
25,000.....	15.....	20.....	15.....	20.....
50,000.....	25.....	20.....	25.....	20.....
75,000.....	25.....	25.....	25.....	25.....
100,000.....	50.....	25.....	50.....	25.....
200,000.....	50.....	50.....	50.....	50.....
250,000.....	75.....	50.....	75.....	50.....
500,000.....	75.....	75.....	75.....	75.....
1,000,000.....	100.....	100.....	100.....	100.....
2,000,000.....	200.....	100.....	200.....	100.....
5,000,000.....	500.....	200.....	500.....	200.....
over 5,000,000	\$50 for each \$500,000.....250.....		\$50 for each \$500,000.....250.....	

NOTE.—No annual license tax after July 1, 1914.

## MINIMUM CAPITALIZATION.

### BANKS.

Over	Population not Over.	Commercial.						
		Commercial.	Savings.	Trust.	Commer- cial and Savings.	Commer- cial and Trust.	Savings and Trust.	Commercial, Savings and Trust.
—	5,000	25,000	25,000	100,000	25,000	125,000	125,000	125,000
5,000	25,000	50,000	50,000	100,000	50,000	150,000	150,000	150,000
25,000	100,000	100,000	100,000	100,000	100,000	200,000	200,000	200,000
100,000	200,000	200,000	200,000	200,000	200,000	400,000	400,000	400,000
200,000		300,000	300,000	200,000	300,000	500,000	500,000	500,000

### INSURANCE COMPANIES.

1. Life .....	200,000
2. Fire .....	200,000
3. Marine .....	200,000
4. Title .....	100,000
5. Fidelity and surety .....	100,000
6. Accident and health .....	100,000
7. Plate glass .....	100,000
8. Liability .....	100,000
9. Boiler and machinery .....	100,000



10.	Burglary .....	100,000	
11.	Credit .....	100,000	
12.	Sprinkler .....	100,000	
13.	Team and vehicle .....	100,000	
14.	Automobile .....	100,000	
15.	Mortgage .....	100,000	
16.	Miscellaneous .....	100,000	
	Life and .....	200,000	and
	Health and accident .....	50,000	additional
	Liability .....	50,000	"
	Fire and .....	200,000	and
	Marine .....	200,000	additional
	Boiler and machinery .....	50,000	"
	Sprinkler .....	50,000	"
	Automobile .....	50,000	"
	Miscellaneous .....	50,000	"
	Marine and .....	200,000	and
	Fire .....	200,000	additional
	Team and vehicle .....	50,000	"
	Automobile .....	50,000	"
	Miscellaneous .....	50,000	"
	All Insurance Companies (except Life, Fire, Marine, Title and Mortgage) .....	50,000	and
	Fidelity and surety .....	50,000	additional
	Accident and health .....	50,000	"
	Plate glass .....	50,000	"
	Liability .....	50,000	"
	Boiler and machinery .....	50,000	"
	Burglary .....	50,000	"
	Credit .....	50,000	"
	Sprinkler .....	50,000	"
	Team and vehicle .....	50,000	"
	Automobile .....	50,000	"
	Miscellaneous .....	50,000	"

## TABLE OF ORGANIZATION FEES.

DOMESTIC CORPORATIONS.													Estimated Incidental Expense.
Capitalization not over 10,000 00	20,000 00	25,000 00	50,000 00	75,000 00	100,000 00	200,000 00	250,000 00	500,000 00	1,000,000 00	2,000,000 00	5,000,000 00	5,000,000 00	
Alabama .....	10 00	20 00	25 00	50 00	75 00	100 00	250 00	500 00	1,000 00	2,000 00	5,000 00	5,000 00	10 00
Alaska .....						None							15 00
Arizona .....						None							45 00
Arkansas .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	7 50
California .....	15 00	18 00	15 00	25 00	25 00	50 00	50 00	75 00	100 00	200 00	500 00	500 00	15 00
Colorado .....	20 00	20 00	20 00	25 00	37 50	50 00	100 00	125 00	250 00	500 00	2,500 00	2,500 00	15 00
Connecticut .....	5 00	10 00	15 00	25 00	10 00	10 00	25 00	50 00	100 00	200 00	500 00	500 00	15 00
Delaware .....	20 00	20 00	25 00	25 00	30 00	40 00	80 00	200 00	200 00	400 00	2,000 00	2,000 00	5 00
District of Columbia .....	20 00	40 00	50 00	100 00	150 00	200 00	250 00	250 00	250 00	250 00	250 00	250 00	15 00
Florida .....	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	250 00	400 00	1,000 00	1,000 00	35 00
Georgia .....	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	250 00	400 00	1,000 00	1,000 00	35 00
Hawaii .....	10 00	10 00	10 00	25 00	40 00	60 00	60 00	60 00	100 00	150 00	350 00	350 00	15 00
Idaho .....	30 00	60 00	70 00	95 00	120 00	145 00	245 00	345 00	645 00	1,045 00	5,045 00	5,045 00	10 00
Illinois .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	5 00
Indiana .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	25 00
Iowa .....	20 00	20 00	25 00	25 00	30 00	40 00	80 00	200 00	200 00	400 00	2,000 00	2,000 00	25 00
Kansas .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	20 00
Kentucky .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	20 00
Louisiana .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	20 00
Maine .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	20 00
Maryland .....	15 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	20 00
Massachusetts .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	10 00
Michigan .....	5 00	10 00	15 00	25 00	37 50	50 00	100 00	125 00	250 00	500 00	2,500 00	2,500 00	15 00
Minnesota .....	30 00	30 00	30 00	35 00	45 00	55 00	120 00	150 00	300 00	600 00	3,000 00	3,000 00	30 00
Mississippi .....	20 00	40 00	50 00	100 00	150 00	200 00	250 00	250 00	250 00	250 00	250 00	250 00	5 00
Missouri .....	20 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	10 00
Montana .....	20 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	20 00
Nebraska .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	15 00
Nevada .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	15 00
New Hampshire (Non-resident) .....	10 00	10 00	10 00	25 00	40 00	60 00	60 00	60 00	100 00	200 00	500 00	500 00	6 50
New Jersey .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	10 00
New Mexico .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	20 00
New York .....	5 00	10 00	15 00	25 00	37 50	50 00	100 00	125 00	250 00	500 00	2,500 00	2,500 00	15 00
North Carolina .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	5 00
North Dakota .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	15 00
Ohio .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	15 00
Oklahoma .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	15 00
Oregon .....	15 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	5 00
Pennsylvania .....	33 33	66 66	83 33	106 66	133 33	166 66	208 33	260 42	325 53	406 91	508 64	635 80	50 00
Philippine Islands .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	5 00
Porto Rico .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	2 50
Rhode Island .....	100 00	100 00	100 00	100 00	100 00	100 00	100 00	100 00	1,000 00	2,000 00	5,000 00	5,000 00	10 00
South Carolina .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	6 00
South Dakota .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	25 00
Tennessee .....	10 00	20 00	25 00	50 00	75 00	100 00	200 00	250 00	500 00	1,000 00	5,000 00	5,000 00	5 00
Texas .....	50 00	60 00	70 00	90 00	120 00	140 00	280 00	360 00	720 00	1,440 00	2,880 00	2,880 00	12 00
Utah .....	2 50	5 00	6 50	12 50	18 75	25 00	50 00	62 50	125 00	250 00	500 00	500 00	4 00
Vermont .....	25 00	30 00	40 00	65 00	90 00	115 00	215 00	515 00	1,015 00	2,015 00	5,015 00	5,015 00	15 00
Virginia .....	10 00	10 00	10 00	10 00	10 00	10 00	10 00	10 00	100 00	200 00	500 00	500 00	15 00
Washington .....	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	10 00
West Virginia (Nonresident) .....	15 00	20 00	25 00	25 00	45 00	60 00	75 00	90 00	120 00	160 00	200 00	200 00	40 00
Wisconsin .....	25 00	25 00	25 00	25 00	25 00	25 00	25 00	25 00	250 00	500 00	1,000 00	1,000 00	15 00
Wyoming .....	10 00	10 00	10 00	10 00	10 00	10 00	10 00	10 00	100 00	200 00	500 00	500 00	15 00

TABLE OF ANNUAL LICENSE TAXES.

Capitalization not over	DOMESTIC CORPORATIONS.										Bonds	
	10,000 00	20,000 00	30,000 00	40,000 00	50,000 00	75,000 00	100,000 00	200,000 00	300,000 00	500,000 00	1,000,000 00	5,000,000 00
Alabama.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	75 00	125 00	200 00	300 00	500 00
Alaska.....	15 00	15 00	15 00	15 00	15 00	15 00	15 00	15 00	15 00	15 00	15 00	15 00
Arizona.....	5 00	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00
Arkansas.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
California.....	20 00	30 00	40 00	50 00	60 00	70 00	80 00	90 00	100 00	100 00	100 00	100 00
Colorado.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Connecticut.....	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00
Delaware.....	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00
District of Columbia.....	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00	5 00
Florida.....	5 00	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00
Georgia.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Idaho.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Illinois.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Indiana.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Iowa.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Kansas.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Kentucky.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Louisiana.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Maine.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Maryland.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Massachusetts.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Michigan.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Minnesota.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Mississippi.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Missouri.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Montana.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Nebraska.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Nevada.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
New Hampshire.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
New Jersey.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
New Mexico.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
New York.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
North Carolina.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
North Dakota.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Ohio.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Oklahoma.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Oregon.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Pennsylvania.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Rhode Island.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
South Carolina.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
South Dakota.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Tennessee.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Texas.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Utah.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Vermont.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Virginia.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Washington.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
West Virginia.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Wisconsin.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00
Wyoming.....	10 00	15 00	20 00	25 00	30 00	35 00	40 00	45 00	50 00	50 00	50 00	50 00

Bonds  
 Paid-up capital.  
 Capital employed in stock.  
 Authorized capital.  
 Authorized capital.  
 Authorized capital.  
 Authorized capital.  
 Authorized capital.  
 Market value.  
 Authorized capital.  
 Outstanding stock.  
 (Minimum)—Capital employed in state.  
 Authorized capital.  
 Subscribed or issued and outstanding capital.  
 Authorized capital.  
 Actual value of capital stock.  
 "Corporate assets," R. L. State, 1912, a 95%.  
 Paid-in capital stock.  
 Authorized capital.  
 Authorized capital and surplus.  
 Authorized capital.  
 Authorized capital.  
 Authorized capital.  
 Authorized capital.





ORIGINAL LICENSE FEES.  
FOREIGN CORPORATIONS.

Capitalization not over	10,000 00	20,000 00	25,000 00	30,000 00	50,000 00	75,000 00	100,000 00	250,000 00	500,000 00	1,000,000 00	2,000,000 00	5,000,000 00	Estimated Incidental Fees.
Alabama .....	75 00	80 00	84 00	110 00	110 00	110 00	110 00	200 00	210 00	200 00	2,010 00	2,010 00	Proportion of capital employed in state, \$10 00 Proportion of capital stock represented by property and business in state, 1 00
Alaska .....	23 00	35 00	40 00	65 00	65 00	90 00	115 00	215 00	215 00	250 00	2,015 00	2,015 00	5 00
Arizona .....	15 00	15 00	15 00	25 00	25 00	25 00	25 00	50 00	75 00	100 00	200 00	500 00	45 00
Arkansas .....	20 00	20 00	20 00	30 00	30 00	30 00	30 00	50 00	75 00	100 00	200 00	500 00	65 00
California .....	30 00	30 00	30 00	50 00	50 00	50 00	50 00	75 00	100 00	150 00	200 00	500 00	10 00
Colorado .....	50 00	50 00	50 00	50 00	50 00	50 00	50 00	50 00	50 00	50 00	50 00	50 00	10 00
Connecticut .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	None
Delaware .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
District of Columbia .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Florida .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Georgia .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Hawaii .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Idaho .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Illinois .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Indiana .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Iowa .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Kansas .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Kentucky .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Louisiana .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Maine .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Maryland .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Massachusetts .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Michigan .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Minnesota .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Mississippi .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Missouri .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Montana .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Nebraska .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Nevada .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
New Hampshire .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
New Jersey .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
New Mexico .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
New York .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
North Carolina .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
North Dakota .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Ohio .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Oklahoma .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Oregon .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Pennsylvania .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Rhode Island .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
South Carolina .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
South Dakota .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Tennessee .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Texas .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Utah .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Vermont .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Virginia .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Washington .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
West Virginia .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Wisconsin .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00
Wyoming .....	30 00	40 00	50 00	100 00	100 00	100 00	100 00	250 00	250 00	250 00	250 00	250 00	5 00

**FOREIGN CORPORATIONS.**

State.	Capitalization over \$100,000.	Capital stock employed in state.	Proportion of capital stock represented by property and business in state.
Alabama	138 50	25,000	5,000,000 00
Arizona	5 00	14 50	7,613 50
Arkansas	10 00	15 00	1,613 50
California	10 00	15 00	2,000 00
Colorado	20	40	2,000 00
Connecticut	20	40	400 00
Delaware	20	40	100 00
District of Columbia	20	40	100 00
Florida	5 00	10 00	100 00
Georgia	5 00	10 00	100 00
Idaho	15 50	10 00	100 00
Illinois	15 50	10 00	100 00
Indiana	1 00	1 00	1 00
Iowa	1 00	1 00	1 00
Kentucky	10 00	10 00	1,000 00
Louisiana	10 00	10 00	1,000 00
Maine	10 00	10 00	1,000 00
Maryland	10 00	10 00	1,000 00
Massachusetts	10 00	10 00	1,000 00
Michigan	10 00	10 00	1,000 00
Minnesota	10 00	10 00	1,000 00
Mississippi	10 00	10 00	1,000 00
Montana	10 00	10 00	1,000 00
Nebraska	10 00	10 00	1,000 00
Nevada	10 00	10 00	1,000 00
New Hampshire	10 00	10 00	1,000 00
New Jersey	10 00	10 00	1,000 00
New Mexico	10 00	10 00	1,000 00
New York	10 00	10 00	1,000 00
North Carolina	10 00	10 00	1,000 00
Ohio	10 00	10 00	1,000 00
Oklahoma	10 00	10 00	1,000 00
Oregon	10 00	10 00	1,000 00
Pennsylvania	10 00	10 00	1,000 00
Rhode Island	10 00	10 00	1,000 00
South Carolina	10 00	10 00	1,000 00
South Dakota	10 00	10 00	1,000 00
Tennessee	10 00	10 00	1,000 00
Texas	10 00	10 00	1,000 00
Vermont	10 00	10 00	1,000 00
Virginia	10 00	10 00	1,000 00
Washington	10 00	10 00	1,000 00
West Virginia	10 00	10 00	1,000 00
Wisconsin	10 00	10 00	1,000 00
Wyoming	10 00	10 00	1,000 00

## TAX ON NONRESIDENT STOCKHOLDERS AND STOCKS OF FOREIGN CORPORATIONS.

(From Bancroft's Inheritance Taxes for Investors.)

State.	Are shares of non-residents in local corporations subject to tax.	Is tax claimed on stock of foreign corporation owning property in State.
Alabama	No	No
Arizona	No	No
Arkansas	Yes	A
California (D)	Yes	A
Colorado (D, E)	Yes	A
Connecticut (D)	Yes	No
Delaware	No	A
Florida	No	No
Georgia	No	No
Idaho	No (C)	A
Illinois	Yes	Yes
Indiana	No	No
Iowa	Yes	Yes
Kansas (D, E)	Yes	Yes
Kentucky (D)	Yes	Yes
Louisiana	Yes	A
Maine (D)	Yes	A
Maryland	No	No
Massachusetts (D)	Yes	No
Michigan (D, E)	Yes	No
Minnesota (D)	Yes	No
Missouri (D)	Yes	Yes
Mississippi	No	No
Montana (D)	No (B)	Yes
Nebraska (D)	No (C)	A
Nevada	No	No
New Hampshire (D, E)	Yes	Yes
New Mexico	No	No
New Jersey (D)	Yes	A
New York (D)	Yes	No
North Carolina (D)	Yes	A
North Dakota	No (B)	A
Ohio	No (B)	No
Oklahoma (D, E)	Yes	A
Oregon (D)	No (B)	No
Pennsylvania (D)	No	No
Rhode Island	No	No
South Carolina	No	No
South Dakota (D)	No (B)	No
Tennessee (D)	No (C)	A
Texas	No (B)	A
Utah (D)	Yes	A
Vermont (D, E)	Yes	Yes
Virginia	No	A
Washington (D)	Yes	Yes
West Virginia (D)	Yes	No
Wisconsin (D)	Yes	Yes
Wyoming (D)	No (B)	A

(A) This question does not seem to have been raised or passed upon.

(B) Under substantially similar laws, other states are taxing such stock. In the states so marked, however, no claim is made for such a tax, or else there is no effective method provided for collecting it.

(C) In the states so marked it was apparently the opinion of their tax officials in 1910 that they were not entitled to collect such a tax, and we do not know that the law is now being construed differently. Their laws, however, are practically identical with the laws of states which claim this tax and moreover contain a provision for enforcing its collection.

(D) In states so marked a corporation transferring stock or delivering securities is held responsible itself, if the inheritance tax has not been paid.

(E) These states also tax registered bonds of local corporations owned by nonresidents.



**INHERITANCE TAX ACT OF 1893.**

APPLICABLE WHERE DECEDENT DIED PRIOR TO JULY 1, 1905.

The original tax on collateral inheritance was by statute approved March 23, 1893 (Stats. 1893, p. 193), and in effect sixty days thereafter. The amount of the tax was 5%, and the following were exempted from taxation:

"Father, mother, husband, wife, lawful issue, brother, sister, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the State of California, and any lineal descendant of such decedent born in lawful wedlock, or the societies, corporations, and institutions now exempted by law from taxation."

No estate valued at less than \$500 was subject to taxation. Taxations are payable under this act on the estates of all persons who died from the time when the act went into effect down to the first day of July, 1905.

By amendment approved March 9, 1897 (Stats. 1897, p. 77), the exemptions were extended to the following:

"Niece or nephew when a resident of this State, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose."

By amendment effective March 14, 1899 (Stats. 1899, p. 101), brothers, sisters, nieces and nephews were deprived of the benefit of the exemption.

By the amendment of 1903, effective March 20, 1903 (Stats. 1903, p. 268), the exemption was extended to any person to whom the deceased for not less than ten years prior to death stood in the mutually acknowledged relationship of a parent, and to lineal ancestors.



**INHERITANCE TAX TABLE—1913.**

APPLICABLE WHERE DECEDENT DIED AFTER AUGUST 10, 1913.

Person Taking.	Exempt.	Per cent of first \$25,000 less ex- emption.	Per cent added over \$25,000 up to \$50,000.	Per cent added over \$50,000 up to \$100,000.	Per cent added over \$100,000 up to \$250,000.	Per cent added over \$250,000 up to \$500,000.	Per cent added over \$500,000 up to \$1,000,000.	Per cent added over \$1,000,000
Adopted child—Major .....	10,000	1	2	3	4	5	7½	10
Adopted child—Minor .....	24,000	1	2	3	4	5	7½	10
Ancestor of decedent .....	10,000	1	2	3	4	5	7½	10
Association charitable* .....	all							
Association, exempt by law* .....	all							
Association, trustee* .....	all							
Aunt .....	1,500	3	6	9	12	15	17½	20
Aunt's descendant .....	1,500	3	6	9	12	15	17½	20
Benevolent association .....	all							
Body corporate .....	500	5	10	15	20	25	27½	30
Body exempt by law .....	all							
Body politic .....	500	5	10	15	20	25	27½	30
Brother .....	2,000	2	4	6	8	10	12½	15
Charitable association* .....	all							
Child—Major .....	10,000	1	2	3	4	5	7½	10
Child—Minor .....	24,000	1	2	3	4	5	7½	10
Child to whom decedent stood in loco par- entis—Minor .....	24,000	1	2	3	4	5	7½	10
Child to whom decedent stood in loco par- entis—Major .....	10,000	1	2	3	4	5	7½	10
Collateral kindred not otherwise specified ..	500	5	10	15	20	25	27½	30
Corporation—Charitable* .....	all							
Corporation, exempt from taxation by law* ..	all							
Corporation, trustee for charitable pur- poses* .....	all							
Cousin, descended from uncle or aunt .....	1,500	3	6	9	12	15	17½	20
Cousin descended from grandfather's brother or sister, or grandmother's sister or brother .....	1,000	4	8	12	16	20	22½	25
Daughter—Major .....	10,000	1	2	3	4	5	7½	10
Daughter—Minor .....	24,000	1	2	3	4	5	7½	10
Daughter in law .....	2,000	2	4	6	8	10	12½	15
Decedent of decedent .....	10,000	1	2	3	4	5	7½	10
Decedent of brother .....	2,000	2	4	6	8	10	12½	15
Decedent of sister .....	2,000	2	4	6	8	10	12½	15
Educational association* .....	all							
Father .....	10,000	1	2	3	4	5	7½	10
Grandchild .....	10,000	1	2	3	4	5	7½	10
Grandfather .....	10,000	1	2	3	4	5	7½	10
Grandfather's brother .....	1,000	4	8	12	16	20	22½	25
Grandfather's brother's descendant .....	1,000	4	8	12	16	20	22½	25
Grandfather's sister .....	1,000	4	8	12	16	20	22½	25
Grandfather's sister's descendant .....	1,000	4	8	12	16	20	22½	25
Grandmother .....	10,000	1	2	3	4	5	7½	10
Grandmother's brother .....	1,000	4	8	12	16	20	22½	25
Grandmother's brother's descendant .....	1,000	4	8	12	16	20	22½	25
Grandmother's sister .....	1,000	4	8	12	16	20	22½	25
Grandmother's sister's descendant .....	1,000	4	8	12	16	20	22½	25
Great aunt .....	1,000	4	8	12	16	20	22½	25
Great grandchild .....	10,000	1	2	3	4	5	7½	10
Great grandparent .....	10,000	1	2	3	4	5	7½	10
Great uncle .....	1,000	4	8	12	16	20	22½	25
Husband .....	10,000	1	2	3	4	5	7½	10
Institution—Charitable .....	all							
Institution, exempt by law .....	all							
Institution, trustee .....	all							
Mother .....	10,000	1	2	3	4	5	7½	10
Niece .....	2,000	2	4	6	8	10	12½	15
Nephew .....	2,000	2	4	6	8	10	12½	15
Sister .....	2,000	2	4	6	8	10	12½	15
Society—charitable* .....	all							
Society, exempt by law* .....	all							
Society, trustee* .....	all							
Son—Major .....	10,000	1	2	3	4	5	7½	10
Son—Minor .....	24,000	1	2	3	4	5	7½	10
Stranger .....	500	5	10	15	20	25	27½	30
Trustee for charitable purposes* .....	all							
Uncle .....	1,500	3	6	9	12	15	17½	20
Uncle's descendant .....	1,500	3	6	9	12	15	17½	20
Wife .....	24,000	1	2	3	4	5	7½	10

\*Exemptions from Taxation.—The following exemptions from the tax are allowed: (1) All property transferred to socie-  
ties, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to  
any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educa-  
tional, public or other like work (pecuniary profit not being its object or purpose), or to any person, society, corpora-  
tion, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or  
public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or ex-  
pectancy, to any such property or to the income thereof shall be exempt.

## INHERITANCE TAX ACT OF 1913.

§ 1. (a) **Inheritance Tax Act.**—This act shall be known as the "Inheritance Tax Act."

(b) **Estate—Property.**—The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heir next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the State.

(c) **Transfer.**—The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described.

(d) **Decedent.**—The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

(e) **County Treasurer—District Attorney.**—The words "county treasurer" and "district attorney" and "inheritance tax appraiser," as used in this act, shall be taken to mean the treasurer or the district attorney or the inheritance tax appraiser of the county of the superior court having jurisdiction, as provided in section 15 of this act.

(f) **Contemplation of Death.**—The words "contemplation of death," as used in this act, shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in nowise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person in making a gift *causa mortis*; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of property transferred by testator or intestate laws.

§ 2. **Tax Imposed upon Transfer.**—A tax shall be and is hereby imposed upon the transfer of any property, real, personal or mixed, or of any interest therein or income therefrom in trust or otherwise, to persons, institutions or corporations, not hereinafter exempted, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the State, in the following cases:

(1) **Transfer by Resident.**—When the transfer is by will or by the intestate or homestead laws of this State, from any person dying seised or possessed of the property while a resident of the State, or by any probate homestead set apart from said property.

(2) **Transfer by Nonresident.**—When the transfer is by will or intestate laws of property within this State, and the decedent was a non-resident of the State at the time of his death.

(3) **Transfer in Contemplation of Death.**—When the transfer is of property made by a resident, or a nonresident when such non-

resident's property is within this State, by deed, grant, bargain, sale, assignment or gift, made without valuable and adequate consideration in contemplation of the death of the grantor, vendor, assignor or donor, or intended to take effect in possession or enjoyment at or after such death. When such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this act.

§ 3. (a) **Gift of Power of Appointment.**—Whenever any person or corporation shall be given a power of appointment by virtue of any disposition of property made before or after the passage of this act, such gift of power of appointment shall, under the provisions of this act, be deemed a transfer made from the donor of said power to the donee thereof and taxable upon said donor's death.

(b) **Bequest or Devise in Lieu of Commissions or Allowances.**—Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceeds what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

(c) **Property Transferred Subject to Charge.**—Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

§ 4. **Lien—Limitation.**—Such taxes shall be and remain a lien upon the property passed or transferred until paid, and the person to whom the property passes or is transferred, and all administrators, executors and trustees of every estate so transferred or passed, shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The provisions of the Code of Civil Procedure, relative to the limitation of time of enforcing a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine, or enforce the collection of any tax or penalty prescribed by this article, and this section shall be construed as having been in effect as of date of the original enactment of the inheritance tax law; provided, that unless sued for within five years after they are due and legally demandable, such taxes, or any taxes accruing under any act herein

repealed, shall cease to be a lien as against any *bona fide* purchaser of real property; and provided, that no such lien shall cease within five years from the date of the passage of this act. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted; and provided, that in determining said market value no deduction shall be made for any family allowance made out of said estate.

§ 5. **Primary Rates.**—When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars, the tax hereby imposed shall be:

(1) **Husband, Wife, Lineal Issue, Lineal Ancestor, or Child Adopted or Mutually Acknowledged.**—Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this State, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent (provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter), or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of clear value of such interest in such property.

(2) **Brother, Sister, Niece, Nephew, Son in Law, Daughter in Law.**—Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of a decedent, a wife or widow or son, or the husband of a daughter of the decedent, at the rate of two per centum of the clear value of such interests in such property.

(3) **Uncle, Aunt, and Their Descendants.**—Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(4) **Great-uncle, Great-aunt and Their Descendants.**—Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(5) **Other Degrees—Body Politic or Corporate.**—Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

**§ 6. Tax upon Excess.**—The foregoing rates in section 5 are for convenience termed the primary rates. When the market value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(1) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two times the primary rates.

(2) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, three times the primary rates.

(3) Upon all in excess of one hundred thousand dollars and up to two hundred and fifty thousand dollars, four times the primary rates.

(4) Upon all in excess of two hundred and fifty thousand dollars and up to five hundred thousand dollars, five times the primary rates.

(5) Upon all in excess of five hundred thousand dollars and up to one million dollars, five times the primary rate and in addition thereto two and one-half per centum of the clear market value of such interest in such property.

(6) Upon all in excess of one million dollars, five times the primary rate, and in addition thereto five per centum of the clear market value of such interest in such property.

**§ 7. Exemptions.**—The following exemptions from the tax are hereby allowed:

(1) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt.

(2) Property of the clear value of twenty-four thousand (\$24,000) dollars transferred to the widow or to a minor child of the decedent, and of ten thousand (\$10,000) dollars transferred to each of the other persons described in the first subdivision of section 5, shall be exempt.

(3) Property of the clear value of two thousand (\$2,000) dollars transferred to each of the persons described in the second division of section 5, shall be exempt.

(4) Property of the clear value of one thousand five hundred (\$1,500) dollars transferred to each of the persons described in the third subdivision of section 5 shall be exempt.

(5) Property of the clear value of one thousand (\$1,000) dollars transferred to each of the persons described in the fourth division of section 5, shall be exempt.

(6) Property of the clear value of five hundred (\$500) dollars transferred to each of the persons and corporations described in the fifth subdivision of section 5, shall be exempt.

§ 8. (a) **Taxes Payable at Death—Interest—Discount.**—All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in subdivision (a) of section 9 of this act for the payment of said tax, together with interest.

(b) **Excuse for Delay in Payment.**—The penalty of ten per cent per annum imposed by subdivision (a) of this section, for the nonpayment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; but in such cases seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation.

§ 9. (a) **Estate for Years or Expectancy.**—When any grant, gift, legacy, devise or succession upon which a tax is imposed by section 2 of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section 16 or 17 of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid.

**Bond.**—Provided, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon at such time or period as they or



their representatives may come into actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed, as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the State controller.

**Return.**—Provided, further, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years. If the same shall not be so renewed before the expiration of each five-year period the bond shall immediately become due and payable, and if the same be not paid forthwith the Attorney General shall file an action in the name of the people of the State, on the relation of the controller, to recover the same.

(b) **Estimating Value.**—In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent encumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished.

**Abridgment, Defeat or Diminution.**—Provided, however, that in the event of such encumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the encumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section 12 hereof upon order of the court having jurisdiction.

(c) **Property Transferred in Trust.**—When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; provided, however, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid

as the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act. Such return of overpayment shall be made in the manner provided by section 12 of this act, upon order of the court having jurisdiction.

(d) **Estates in Expectancy Appraised How.**—Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

(e) **Where Estate can be Divested by Legatee or Devisee.**—Where an estate for life or for years can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

(f) **Standards of Mortality and Value.**—The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule, methods and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five (5) per cent per annum. The insurance commissioner shall without a fee on the application of any Superior Court or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's application or other facts to him submitted by said appraiser or said court and certify the same in duplicate to such court or appraiser, and his certificate thereof shall be conclusive evidence that the method of computation therein is correct.

§ 10. (a) **Tax Deducted from Legacy.**—Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee

shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

(b) **Power to Sell Property to Pay Tax.**—All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

(c) **Tax Paid to Treasurer.**—Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending.

§ 11. **Receipt in Triplicate.**—Upon the payment to any county treasurer of any tax due under this act, such treasurer shall issue a receipt therefor, in triplicate, one copy of which he shall deliver to the person paying said tax, and the original and one copy thereof he shall immediately send to the controller of State, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall retain one of said receipts, and the other he shall countersign and seal with the seal of his office, and immediately transmit to the clerk of the court fixing such tax. And an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless a receipt so sealed and countersigned by the controller, or a copy thereof, certified by him, shall have been filed with the court. Any person shall, upon payment to the county treasurer of the sum of fifty cents, be entitled to a duplicate, or copy, of any receipt that may have been given by said treasurer for the payment of any tax under this act.

§ 12. **Refund—Pursuance of Order by Superior Court.**—If any debts shall be proven against the estate of a decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by order of the Superior Court having jurisdiction, on notice to the State controller, to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the county treasurer; or if such tax has been paid to such county treasurer, such officer shall refund out of any inheritance tax moneys in his hands or custody such equitable proportion of the tax, and credit himself with the same in the account required to be rendered by him under this act. If, after the pay-

ment of any tax in pursuance of an order fixing such tax, made by the Superior Court having jurisdiction, such order be modified or reversed by the Superior Court having jurisdiction within two years from and after the date of entry of the order fixing the tax, or be modified or reversed at any time on an appeal taken therefrom within the time allowed by law on due notice to the State controller, the county treasurer shall refund to the executor, administrator, trustee, person or persons by whom such tax was paid, the amount of any moneys paid or deposited on account of such tax in excess of the amount of tax fixed by the order modified or reversed, out of any inheritance tax moneys in his hands or custody, and credit himself with the same in the account required to be rendered by him to the controller on his semi-annual settlement; but no application for such refund shall be made after one year from such reversal or modification, unless an appeal shall be taken therefrom, in which case no such application shall be made after one year from the final determination on such appeal or of an appeal taken therefrom, and the representatives of the estate, legatees, devisees or distributees entitled to any refund under this section shall not be entitled to any interest upon such refund, and the State controller shall deduct from the fees allowed by this act to the county treasurer the amount theretofore allowed him upon such overpayment. Where it shall be proved to the satisfaction of the Superior Court that deductions for debts were allowed upon the appraisal, since proved to have been erroneously allowed, it shall be lawful for such Superior Court to enter an order assessing the tax upon the amount wrongfully or erroneously deducted. This section, as amended, shall apply to appeals and proceedings now pending and taxes heretofore paid in relation to which the period of one year from such reversal or modification has not expired when this section, as amended, takes effect.

**§ 13. If Foreign Executor Transfer Stock Tax Shall be Paid.**—If a foreign executor, administrator or trustee shall assign or transfer any stock or obligation in this State standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof.

**No Institution or Persons Having Assets of Decedent Shall Deliver Same Without Retaining Tax.**—No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets, belonging to or standing in the name of a decedent who was a resident or nonresident or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or to the survivor or survivors when held in the joint names

of a decedent and one or more persons, or upon their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed thereon under this act and unless notice of the time and place of such delivery or transfer be served upon the State controller and county treasurer at least ten days prior to said delivery or transfer.

**State Controller may Consent to Delivery.**—Provided, that the State controller, or person by him in writing authorized so to do, may consent in writing to said delivery or transfer, and such consent shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligation hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. And it shall be lawful for the State controller or county treasurer, personally or by representatives, to examine said securities, deposits or assets at the time of said delivery or otherwise.

**Penalty.**—Failure to comply with the provisions of this section shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons, liable to a penalty of not less than one thousand (1,000) dollars, nor more than twenty thousand (20,000) dollars, and in addition thereto said safe deposit company, trust company, corporation, bank or other institution, person or persons shall be liable for the amount of the taxes, interest and penalties due under this act on said securities, deposits, or other assets above mentioned, and said penalties and liabilities of said safe deposit company, corporation, bank or other institution, person or persons for the violation of this section may be enforced in an action brought by the State controller or county treasurer in any court of competent jurisdiction.

**§ 14. Inheritance Tax Appraisers.**—The State controller shall appoint, and may at his pleasure remove, one or more persons in each county of the State to act as inheritance tax appraisers therein. Every such inheritance tax appraiser (in addition to any fees paid him as appraiser under section 1444 of the Code of Civil Procedure) shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on presentation of a sworn itemized account and on the certificate of the Superior Court, at the rate of five dollars per day for every day actually and necessarily employed in said inheritance tax appraisalment, together with his actual and necessary traveling and other incidental expenses, and the fees paid such witnesses as he shall subpoena before him which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts of record; provided, that in any probate proceeding in which the executor or administrator shall have failed to have had the inheritance tax appraiser act as one of the appraisers under section 1444 of the Code of Civil Procedure and to have paid him his fees therefor, the expense of making the inheritance tax appraisalment in this act provided for shall be paid out of said estate, and the

executor or administrator thereof shall be liable for said fee. Any such appraiser who shall take any fee or reward, other than such as may be allowed him by law, from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

§ 15. **Jurisdiction.**—The Superior Court in the county in which is situate the real property of a decedent, who was not a resident of the State, or if there be no real property, then in the county in which any of the personal property of such nonresident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act; the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other; provided, that the Superior Court having acquired jurisdiction in probate of the estate of a decedent shall hear and determine in said probate proceedings all questions in relation to any tax arising under the provisions of this act: (a) Upon property passing in said probate proceedings. (b) Upon any other property transferred, within the meaning of subdivision 3 of section 2 of this act, to any person, institution or corporation taking any property under and by virtue of said probate proceedings.

§ 16. (a) **Appointment of Appraisers.**—When any Superior Court, having jurisdiction in probate of the estate of any decedent, or a judge of such court, shall, in accordance with section 1444 of the Code of Civil Procedure, appoint the appraiser or appraisers in said section provided for, said Superior Court or judge thereof shall also at the same time designate and appoint an inheritance tax appraiser (unless such designation and appointment be previously made to ascertain and report to said Superior Court the amount of inheritance tax due upon any property passing in said probate proceeding, or a lien thereon, or upon any other property transferred within the meaning of subdivision 3 of section 2 of this act, to any person, institution or corporation taking property under and by virtue of said probate proceedings, together with such other or additional information as shall assist said court in the determination of said tax.

**Powers.**—Thereupon said inheritance tax appraiser shall have all the powers of a referee of said Superior Court, and shall have jurisdiction to require the attendance before him of the executor or administrator of said estate, or any person interested therein, or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent, or knowledge of any property transferred by said decedent within the meaning of this act, or knowledge of any facts that will aid said appraiser or the court in the determination of said tax.

**Subpoenas.**—For the purpose of compelling the attendance of such person or persons before him, and for the purpose of appraising any property or interest subject to, or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the said inheritance tax appraiser is hereby authorized to issue subpoenas compelling the attendance of witnesses before him. And he may examine and take the evidence of such witnesses or of such executor or administrator, or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate, and concerning any transfer made by such decedent within the meaning of this act.

**Report.**—Upon the completion of his inheritance tax appraisal in any probate proceeding, the inheritance tax appraiser shall make a report in writing to the Superior Court of the clear market value of the several interests in the estate of the decedent, and shall report the amount of inheritance or transfer tax chargeable against, or a lien upon such interests, acquired by virtue of said probate proceedings or by any transfer within the meaning of this act to any person, institution or corporation acquiring any property by virtue of said probate proceedings together with such other facts as may advise the court in regard thereto, or which the court may require, and may return to said Superior Court such depositions as he may have had reduced to writing, exhibits, or other testimony or information taken before him, or submitted to him.

(b) **Notice of Filing Report.**—Upon the filing of said report said appraiser shall mail a copy thereof to the State controller and the clerk of said Superior Court shall forthwith give notice of such filing to all persons interested in such proceedings, by posting, and in addition thereto shall forthwith mail to the State controller and to the county treasurer, and to all persons chargeable with any tax in said report who have appeared in such proceeding, a copy of said notice.

**Order Confirming Report.**—At any time after the expiration of ten days thereafter, if no objection to said report be filed, the said Superior Court may give and make its order confirming said report and fixing the tax in accordance therewith.

**Objections.**—At any time prior to the making of said order, any person interested in said proceeding (including the State controller or the county treasurer) may file objections in writing to said report. Thereupon said Superior Court shall, by order, fix a time, not less than ten days thereafter, for the hearing thereof, and shall direct the clerk of said Superior Court to give such notice thereof as it shall deem necessary; provided, that a copy of such notice and of such objections shall be forthwith mailed to the State controller, county treasurer and inheritance tax appraiser. Upon the hearing of said objections, said court may make such order as to it may seem meet and proper in the premises.

(c) **If No Inheritance Tax Due Appraiser may so Certify.**—Provided that, if, upon examination of the executor or administrator of

said estate or other persons familiar with the affairs of such decedent, or from other information before him, it shall appear to the inheritance tax appraiser that there is no inheritance tax due out of said estate or a lien upon any property or interest therein, said appraiser may so certify to the Superior Court, and at any time thereafter, said Superior Court may order or decree that there are no inheritance taxes due out of said estate or upon any interest therein or may make such different order as may to it seem meet in the premises.

§ 17. **Citation.**—If it shall appear to the Superior Court upon petition of the State controller or the county treasurer or any other interested person that any transfer has been made within the meaning of this act, and the taxability thereof, and the liability for such tax and the amount thereof have not been determined, and that no proceedings are pending in any court in this State wherein the taxability of such transfer and the liability therefor and the amount hereof may be determined, said court shall issue a citation ordering and directing the persons who may appear liable therefor or known to own any interest in or part of the property transferred, to appear before said court or before an inheritance tax appraiser to be designated by said order at a time and place in said order named, not less than ten days nor more than ninety days from the date of such order, to be examined under oath by said court or by said appraiser as the case may be, concerning said transfer and all facts connected therewith, and concerning the property transferred and the character and value thereof.

**Hearing.**—If said person or persons shall be directed to appear before said appraiser, said appraiser shall, at the time and place in said order named, or at such time and place to which said appraiser may adjourn said hearing, proceed to examine said person or persons and such witnesses as said appraiser may subpoena before him, and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said appraiser shall have the powers of a referee of said court, and, is hereby authorized to issue subpoenas compelling the attendance of witnesses before him, and to administer oath, and to take the evidence of such witnesses under oath concerning such property and the value thereof and concerning such transfer. Said appraiser shall report to said court his findings and conclusions in relation to said transfer and said tax, and may return to said court, any depositions, exhibits or other testimony or information taken before him or exhibited to him. The procedure subsequent to the filing of said report shall conform to subdivision (b) of section 16 of this act.

**Service of Citation—Time, Manner and Proof, and Hearing and Determination Thereon.**—Except as herein otherwise provided, the service of such citation and the time, manner and proof thereof, and the hearing and determination thereon, and the hearing and determination upon the facts returned in such report, and the enforcement of



the determination or decree, shall conform to the provisions of chapter XII of title XI of part III of the Code of Civil Procedure, and the clerk of the court shall, upon the request of the State controller or the treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the State, without fee, in the same manner and with the same effect as provided by section 674 of said Code of Civil Procedure for filing a transcript of an original docket.

**Evidence and Determination.**—The Superior Court may hear the said cause upon the relation of the parties and the testimony of witnesses, and evidence produced in open court, and, if the court shall find said property is not subject to any tax, as herein provided, the court shall, by order, so determine; but if it shall appear that said property, or any part thereof, is subject to any such tax, the same shall be appraised and taxed as in other cases.

§ 18. **Action for Recovery of Tax.**—If, after the expiration of eighteen months from the accrual of any tax under this article, such tax shall remain due and unpaid, after the refusal or neglect of the persons liable therefor to pay the same, the county treasurer shall notify, or the State controller may notify, the district attorney of the county in writing of such failure or neglect, and such district attorney shall bring and prosecute an action or actions in the name of the State as plaintiff, for the recovery of such tax and for the purpose of enforcing any lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deraigned through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or encumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

(a) **Actions Quieting Title.**—Actions may be brought against the State for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other

persons who might be made parties defendant in any action brought by the State under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

(b) **Jurisdiction.**—All actions under this section shall be commenced in the Superior Court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien: but if in said action no lien against real property is sought to be enforced, the action shall be brought in the Superior Court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

(c) **Service of Summons.**—Service of summons in the actions brought against the State shall be made on the controller of State and on the district attorney of the county in which the estate of the decedent mentioned herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

(d) **Procedure and Practice.**—The procedure and practice in all actions brought under this section, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

(e) **Remedies not Exclusive.**—The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

§ 19. **District Attorney to Prosecute Proceeding to Determine and Fix Tax.**—Whenever the treasurer of any county or an inheritance tax appraiser therein, or the controller shall have reason to believe that any transfer has been made within the meaning of this act and that a tax due thereon remains undetermined and unpaid, he may notify the district attorney in writing of such transfer, and the district attorney, if he have probable cause to believe a tax is due, and remains undetermined, shall prosecute the necessary proceeding in the Superior Court to determine and fix such tax and for the enforcement and collection thereof. Said district attorney shall be allowed his

actual and necessary expenses incurred in such proceeding out of any inheritance tax moneys in the hands of the county treasurer on order of the Superior Court.

§ 20. **Treasurer Shall Pay State Treasurer—Report.**—The treasurer of each county shall collect and pay the State treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the State treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

§ 21. **Fees.**—The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum of the first \$50,000 so paid and accounted for by him, one and one-half per centum on the next \$50,000 so paid and accounted for by him, and one-half of one per centum on all additional sums so paid and accounted for by him; provided, that no county treasurer shall be entitled to retain to his own use more than the sum of \$200 out of the inheritance taxes paid on account of any transfer or transfers made by, or resulting from the death of, any one decedent, nor more than \$3,000 out of the total inheritance taxes accounted for in any one year.

§ 22. **Special Counsel.**—The State controller, whenever he shall be cited as a party in any proceeding or action to determine any tax under this act provided, or whenever he shall deem it necessary for the better enforcement of this act to make any special employment to secure evidence of evasion of said tax, or to commence or appear in any proceeding or action to determine any tax hereunder, may, by and with the consent and approval of the Attorney General, make such special employment or designate and employ counsel or attorney in or out of this State to represent him on behalf of the State, and, by and with such consent of the Attorney General, he is hereby authorized to incur the necessary expense for such employment and any reasonable and necessary expense incident thereto. And the county treasurer is hereby authorized and directed to pay out of any funds which may be in his hands on account of this tax, on presentation of a sworn itemized account and on certificate of the State controller and Attorney General, all expenses incurred as in this section above provided, but no expense for such special employment or legal services, up to and including the entry of the order of the court fixing the tax and the same becoming final, shall exceed ten per centum of the tax and penalties collected; provided, that all reasonable and necessary expenses incurred, in any legal action or proceeding in any court of this State or on any appeal therefrom, other than attorney's fees, including expense of serving processes and printing and preparing of necessary legal papers, may be allowed and paid in the

manner above provided, even though no tax be recovered in such action or proceeding, and the limitations herein made shall not apply thereto.

§ 23. **Taxes Paid into State School Fund and General Fund.**—All taxes levied and collected under this act, up to the amount of \$250,000 annually, shall be paid into the treasury of the State, for the uses of the State school fund, and all taxes levied and collected in excess of \$250,000 annually shall be paid into the State treasury to the credit of the general fund thereof.

§ 24. **Officer Who Fails to Perform Duty Shall Forfeit \$1,000.**—Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of California the sum of \$1,000, to be recovered in an action brought by the Attorney General in the name of the people of the State on the relation of the controller.

§ 25. **Construction.**—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

§ 26. **Repealing Clause.**—An act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled 'An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act,' approved March 20, 1905, and all amendments thereto and all acts and parts of acts in conflict with this act," approved April 7, 1911, and all amendments thereto, and all acts and parts of acts in conflict with this act are hereby expressly repealed; provided, however, that such repeal shall in nowise affect any suit, prosecution or court proceeding pending at the time this act shall take effect, or any right which the State of California may have at the time of the taking effect of this act, to claim a tax upon any property under the provisions of the act or acts hereby repealed, for which no proceeding has been commenced; nor affect any appeal, right of appeal in any suit pending, or orders fixing tax, existing in this State at the time of the taking effect of this act.

## RATES OF INHERITANCE TAXES AND EXEMPTIONS.

(From Bancroft's Inheritance Taxes for Investors.)

State.	Direct Inheritances.		Collateral Inheritances.	
	Rate.	Exemption.	Rate.	Exemption.
Alabama	Not taxed		Not taxed	
Arizona	Not taxed		Not taxed	
Arkansas*	1%	5000	2/6%	1000-2000
California	1/3%	4000-10000	1 1/2-15%	500-2000
Colorado	2%	10000	3/10%	500
Connecticut* (a)	1%	10000	5%	
Delaware	Not taxed		1/5%	500
Dist. of Columbia	Not taxed		Not taxed	
Florida	Not taxed		Not taxed	
Georgia	Not taxed		Not taxed	
Hawaii	2%	1000	5%	500
Idaho	1/3%	4000-10000	1 1/2-15%	500-2000
Illinois	1/2%	20000	2/10%	500-2000
Indiana	Not taxed		Not taxed	
Iowa* (b)	Not taxed		5%	1000
Kansas	1/5%	5000	3/15%	0-1000
Kentucky	Not taxed		5%	500
Louisiana (c)	2%	10000	5%	
Maine	1/2%	500-10000	4/7%	500
Maryland*	Not taxed		5%	500
Massachusetts	1/2%	1000-10000	3/5%	1000
Michigan	1%	2000	5%	100
Minnesota	1 1/2%	10000	1 1/2-5%	10000
Mississippi	Not taxed		Not taxed	
Missouri	Not taxed		5%	
Montana*	1%	7500	5%	500
Nebraska	1%	10000	2/6%	500-2000
Nevada	Not taxed		Not taxed	
New Hampshire	Not taxed		5%	
New Jersey	Not taxed		5%	500
New Mexico	Not taxed		Not taxed	
New York	1/5%	500-5000	5/25%	100
North Carolina (d)	3/4%	2000	1 1/2-15%	2000
North Dakota	Not taxed		2%	25000
Ohio*	Not taxed		5%	200
Oklahoma (e)	1%	5000-10000	1 1/2-5%	100-500
Oregon (f)	1%	5000	2/6%	500-2000
Pennsylvania	Not taxed		5%	250
Porto Rico	1/3%	200	3/9%	200
Rhode Island	Not taxed		Not taxed	
South Carolina	Not taxed		Not taxed	
South Dakota	1%	5000-20000	2/10%	100-500
Tennessee*	1 1/4%	5000	5%	250
Texas	Not taxed		2/12%	500-2000
Utah*	5%	10000	5%	10000
Vermont	Not taxed		5%	
Virginia	Not taxed		5%	
Washington* (g)	1%	10000	3/12%	
West Virginia	1/3%	10000-15000	3/15%	
Wisconsin	1/3%	2000-10000	1 1/2-15%	100-500
Wyoming*	2%	10000	5%	500

\*Exemption in the states marked with an asterisk has been construed to apply to the estate as a whole rather than to individual shares.

(a) Connecticut. For nonresidents exemption varies according to portion of estate within the state.

(b) Iowa taxes nonresident aliens 10-20%.

(c) Louisiana exempts property that bore its just proportion of taxes during owner's life.

(d) North Carolina exempts husband or wife.

(e) Oklahoma.—The tax increases progressively, so a literal construction would result in confiscation of all in excess of certain amounts in large estates.

(f) Oregon exempts entire estate if less than 10,000, direct; 500-5,000, collateral.

(g) Washington.—25% tax on nonresident aliens held invalid.

## FEDERAL INCOME TAX—SCOPE AND OPERATION.

By JOSEPH J. SCOTT, U. S. Collector of Internal Revenue.

In any consideration of the new Federal Income Tax thought should be given to the two distinct divisions of the tax, viz., the normal tax of one per cent on all net incomes in excess of the specified exemptions and the additional, or graduated tax on incomes above \$20,000 a year at increasing percentages. The normal tax is assessable against both individuals and corporations; the additional tax against only individuals.

In the abstract of the new law herewith given this distinction is drawn, and should be kept in mind. For convenience the term "Persons" is employed to designate individuals as contrasted with corporate taxpayers. The latter are assembled under the term "Corporations," but in their number are included all corporations, joint-stock companies or associations, as well as insurance companies. Thus, the general reference to "persons" and "corporations" may be understood.

**Persons Affected.**—1. Every citizen of the United States, whether residing at home or abroad.

2. Every resident of the United States, though not a citizen.

3. Every resident of a foreign country deriving income from the United States.

**Rates.**—1. Normal tax of one per cent on all incomes in excess of \$3,000 a year.

2. Additional tax according to the following scale:

- (a) One per cent upon the amount by which net income exceeds \$20,000 but does not exceed \$50,000.
- (b) Two per cent upon the amount by which net income exceeds \$50,000 but does not exceed \$75,000.
- (c) Three per cent upon the amount by which net income exceeds \$75,000 but does not exceed \$100,000.
- (d) Four per cent upon the amount by which net income exceeds \$100,000 but does not exceed \$250,000.
- (e) Five per cent upon the amount by which net income exceeds \$250,000 but does not exceed \$500,000.
- (f) Six per cent upon the amount by which net income exceeds \$500,000.

**What is Income?**—In general the law takes cognizance of the following as constituting the income of persons:

1. Gains, profits and income derived from salaries, wage, or compensation for personal services of any kind.

2. From professions, vocations, businesses, trade and dealings in real and personal property.

3. From interest, rent, dividends, or securities, and the income from, but not the value of, property acquired by gift, bequest or descent.

**Income not Taxable.**—Proceeds of life insurance policies received by the beneficiary upon the death of the insured, or payments made to the insured on endowment or annuity contracts are not taxable.

**Deductions for Persons.**—Net income of persons for the purpose of the normal tax will be computed by deducting from gross income the following items:

1. Necessary and actual expenses of carrying on business (not including personal living or family expenses).
2. All interest paid during the year on indebtedness.
3. All national, state, county, school and municipal taxes. (Not including taxes assessed against local benefits.)
4. Losses in trade or by fire, storm or shipwreck, not compensated for by insurance or otherwise.
5. Worthless accounts actually charged off during the year.
6. Reasonable allowance for exhaustion, wear and tear of property through use. In the case of mines the allowance for depletion of ores and other natural deposits shall not exceed five per cent of the value at the mine of the output for the year. This provision also covers oil wells. Under no circumstances is a deduction allowed for any amount paid out for new buildings or permanent improvements.
7. Dividends on stock or from the net earnings of any corporation taxable on its net income. The personal return must, however, include such dividends in order that they may be considered in the computation of the additional tax for individuals. As far as the normal tax for individuals is concerned such dividends are not considered a part of personal incomes, being taxed to that extent by direct assessment against the corporations.
8. Amount of income upon which the tax has been paid or withheld for payment at the source.

9. General exemption of \$3,000. Then \$1,000 extra if the person making the return have a wife living with him, or a husband living with her. However, should both husband and wife have taxable incomes and be living together, the total exemption is \$4,000.

**Collection at Source.**—The general provision is that the normal tax of one per cent shall be withheld by all persons, firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies, in whatever capacity acting. This also applies to lessees or mortgagors of real or personal property, to trustees, executors, administrators, agents, receivers, conservators and employees, having the control, receipt, custody, disposal or payment of interest, rent, salaries, wages, premiums, annuities, or other fixed or determinable annual income of another person exceeding \$3,000 for the taxable year.

**Must Claim Deductions.**—The person whose income tax is thus withheld must, in order to receive the benefit of the exemption of \$3,000 (plus \$1,000 for a wife or husband) file with the withholding power a claim in writing at least thirty days before the return is due. This means thirty days prior to March 1st.

As to the privilege of the person affected by the withholding provision to avail himself of the other detailed deductions, the law provides that a statement in writing shall be filed with the withholding power setting forth the person's income from all other sources and specifying the deductions asked for. The statement will then become a

part of the return made in such person's behalf. It, too, must be filed at least thirty days before the return is due. In this latter respect, however, the individual affected can avail himself or herself of filing such a statement directly with the Collector of Internal Revenue, to be considered with the return made in his or her behalf under the withholding provision.

Should the claim for exemptions and deductions not be filed in time to become parts of the return of income, there would remain to the person affected only the right of application for a refund of the tax after the payment of the same.

*Income from Bonds.*—The normal tax of one per cent must be withheld from payments of interest upon bonds, mortgages, or deeds of trust, or similar obligations of corporations, whether payable annually or at shorter or longer periods, even though such interest does not exceed \$3,000.

*Incomes from Foreign Sources.*—This requirement applies also to coupons, checks or bills of exchange in payment of interest upon the bonds of foreign countries, upon foreign mortgages and the stocks and bonds of foreign corporations, regardless of the amount or how often due.

(NOTE—Here it should be noted that the taxpayer should not be confused by the necessity of withholding the tax upon the dividends of foreign corporations, in view of the provision exempting the dividends of domestic corporations from either the withholding requirement or from consideration in the assessment of the normal income tax against individuals. The difference must be apparent. In the case of the foreign corporation the government of the United States can tax only the part of the dividends due residents of the United States or citizens of the United States residing abroad. In the case of the domestic corporation the government can levy and collect the normal tax upon the dividends by a direct assessment against the corporation.)

The withholding provision in respect to foreign payments affects all making such collections, and every dealer in coupons representing foreign interest or dividends, except that dealer who purchases the coupons from a banker or another dealer in such coupons, must abide by it.

**Tax on Corporations.**—*Domestic and Foreign.*—For those corporations organized in the United States the normal income tax will be levied upon the entire net income; but for those organized under the laws of a foreign country upon the net income accruing from business transacted and capital invested in the United States.

*Those Exempt.*—The following exceptions among corporations are specified as exempt from the tax:

1. Labor organizations.
2. Agricultural and horticultural associations.
3. Mutual savings banks not having capital stock represented by shares.
4. Fraternal beneficiary societies and orders.
5. Domestic building and loan associations.



6. Mutual cemetery companies.
7. Religious, charitable, scientific and educational associations.
8. Chambers of commerce, boards of trade, and civic organizations in general.

**Corporation's Taxable Income.**—The net income of any domestic corporation will be ascertained by deducting from gross income the following items:

1. All ordinary and necessary expenses for maintenance and operation, including rent.
2. All losses actually sustained and not compensated for by insurance or otherwise. Here will be considered a reasonable allowance for depreciation by use, wear and tear of property, if any. In the case of mines the allowance will be figured as heretofore noted in determining the net income of persons.
3. Amount of interest accrued and paid within the year on indebtedness to an amount of such indebtedness not exceeding one-half the sum of its interest-bearing indebtedness and its paid-up capital at the close of the year. Or, if no capital stock, the amount of interest paid within the year on an amount of its indebtedness not exceeding the amount of the capital employed in the business at the close of the year. In the case of banks, loan and trust companies the interest paid on deposits or money received for investment and secured by certificates. As respects indebtedness wholly secured by collateral which is the subject of sale in the ordinary business of the corporation, the total interest secured and paid.
4. All taxes paid on assessments levied under the authority of the United States, or any state, or foreign government.

**Income of Foreign Corporations.**—The net income of corporations existing under the laws of a foreign country will be computed in practically the same way, the law taking cognizance only of the gross income accrued during the taxable year from business transacted and capital invested within the United States. The deductions, likewise, will be based wholly on operations within the United States.

**Collection of Tax.**—Returns of incomes, under oath, must be in the hands of the Collector of Internal Revenue not later than March first.

The tax will be due June 1st, and will become delinquent June 30th, when a penalty of five per cent will accrue with interest at the rate of one per cent a month.

While the law fixes the calendar year as the taxable year, it allows any corporation the right to make its own fiscal year its taxable year.

**Insurance Companies.**—Insurance companies in making returns can deduct from gross income the net addition, if any, required by law to be made within the taxable year to reserve funds; also the sums other than dividends paid on policy and annuity contracts.

Mutual fire insurance companies need not make returns of any portions of premium deposits returned to policy-holders, but must make returns for taxation of all income from other sources, plus those por-

tions of the premium deposits retained by the companies for purposes other than for loss, expenses, and reinsurance reserves.

Mutual marine insurance companies can deduct amounts repaid policy-holders on account of premiums paid or on account of interest accruing on such amounts between the time of becoming due and payment.

Life insurance companies need not include that portion of any premium paid back or credited to a policy-holder, or treated as an abatement of premium.

**Other Important Provisions.**—*Public Utilities Exempt.*—The law provides that states and their political subdivisions are exempted from payment of the tax on any income that accrues to them from the operation of public utilities, or the exercise of any governmental function. This exemption does not, however, apply to the income derived from any public utility by the person or corporation operating it.

*Public Bonds not Taxed.*—In the computation of net income the interest upon the obligations of a state or any political subdivision of a state, also upon the obligations of the United States, is excluded. This covers public bonds in general.

*Persons Exempt.*—Exempt from the tax are the salaries of the President of the United States, all federal judges, and all state, county and municipal officers and employees.

*Partners are Individuals.*—In dealing with corporate taxpayers the law makes special exception of partnerships and holds that the persons in a partnership shall be liable for the tax only in their individual capacity.

*Must Get License.*—All persons, firms or corporations undertaking the collection of foreign incomes must obtain a license by application to the Collector of Internal Revenue.

*Undivided Profits.*—Undivided and undistributed profits will be considered in ascertaining the net income of persons.

Accumulation of profits for the purpose of evading the law will not avail because the fact that profits are allowed to accumulate beyond the reasonable needs of a business will be regarded as *prima facie* evidence of a fraudulent purpose.

*No Double Taxation.*—Double taxation of corporation dividends is prevented by assessing the normal income tax on such dividends against the corporations and not against the individuals receiving them. It will be noted, however, that when corporation dividends contribute to individual incomes subject to the additional tax they enter into the computation of net incomes.

*The Tax for 1913.*—The tax for the year 1913 will be collected for that part of the calendar year beginning March 1st and ending December 31st. All deductions and exemptions will be figured on a five-sixths basis in order to arrive at five-sixths of the net income, which, for 1913, will be regarded as the taxable income.

## FEDERAL INCOME TAX LAW.

The Income Tax Law is contained in Section II of "An Act to Reduce Tariff Duties and to provide Revenue for the Government, and for other purposes" (H. R. 3321), approved October 3, 1913, and so far as the Income Tax is concerned, effective November 1, 1913. So much of Subdivision "S" of Section IV of the Tariff Act as relates to the continuation in force of the Corporation Excise Tax is also included.

A. Subdivision 1. **Normal Income Tax.**—That there shall be levied, assessed, collected and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, a tax of 1 per centum per annum upon such income, except as hereinafter provided; and a like tax shall be assessed, levied, collected, and paid annually upon the entire net income from all property owned and of every business, trade or profession carried on in the United States by persons residing elsewhere.

Subdivision 2. **Additional Tax.**—In addition to the income tax provided under this section (herein referred to as the normal income tax) there shall be levied, assessed, and collected upon the net income of every individual an additional income tax (herein referred to as the additional tax) of 1 per centum per annum upon the amount by which the total net income exceeds \$20,000 and does not exceed \$50,000, and 2 per centum per annum upon the amount by which the total net income exceeds \$50,000 and does not exceed \$75,000, 3 per centum per annum upon the amount by which the total net income exceeds \$75,000 and does not exceed \$100,000, 4 per centum per annum upon the amount by which the total net income exceeds \$100,000 and does not exceed \$250,000, 5 per centum per annum upon the amount by which the total net income exceeds \$250,000 and does not exceed \$500,000, and 6 per centum per annum upon the amount by which the total net income exceeds \$500,000. All the provisions of this section relating to individuals who are to be chargeable with the normal income tax, so far as they are applicable and are not inconsistent with this subdivision of paragraph A, shall apply to the levy, assessment, and collection of the additional tax imposed under this section. Every person subject to this additional tax shall, for the purpose of its assessment and collection, make a personal return of his total net income from all sources, corporate or otherwise, for the preceding calendar year, under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. For the purpose of this additional tax the taxable income of any individual shall embrace the share to which he would be entitled of the gains and profits, if divided or distributed, whether divided or distributed or not, of all corporations, joint-stock companies, or associations however created or organized, formed or fraudulently availed of for the purpose of preventing the imposition of such tax through the medium of permitting such gains and profits to accumulate instead of being divided or distributed; and the

fact that any such corporation, joint-stock company, or association, is a mere holding company, or that the gains and profits are permitted to accumulate beyond the reasonable needs of business shall be *prima facie* evidence of a fraudulent purpose to escape such tax; but the fact that the gains and profits are in any case permitted to accumulate and become surplus shall not be construed as evidence of a purpose to escape the said tax in such case unless the Secretary of the Treasury shall certify that in his opinion such accumulation is unreasonable for the purposes of the business. When requested by the Commissioner of Internal Revenue, or any district collector of internal revenue, such corporation, joint-stock company, or association shall forward to him a correct statement of such profits and the names of the individuals who would be entitled to the same if distributed.

**B. Net Income Defined.**—That, subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any lawful business carried on for gain or profit, or gains or profits and income derived from any source whatever, including the income from but not the value of property acquired by gift, bequest, devise, or descent: Provided, That the proceeds of life insurance policies paid upon the death of the person insured or payments made by or credited to the insured, on life insurance, endowment, or annuity contracts, upon the return thereof to the insured at the maturity of the term mentioned in the contract, or upon surrender of contract, shall not be included as income.

**Deductions.**—That in computing net income for the purpose of the normal tax there shall be allowed as deductions: First, the necessary expenses actually paid in carrying on any business, not including personal, living, or family expenses; second, all interest paid within the year by a taxable person on indebtedness; third, all national, State, county, school, and municipal taxes paid within the year, not including those assessed against local benefits; fourth, losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; fifth, debts due to the taxpayer actually ascertained to be worthless and charged off within the year; sixth, a reasonable allowance for the exhaustion, wear and tear of property arising out of its use or employment in the business, not to exceed, in the case of mines, 5 per centum of the gross value at the mine of the output for the year for which the computation is made, but no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made: Provided, That no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments, made to increase

the value of any property or estate; seventh, the amount received as dividends upon the stock or from the net earnings of any corporation, joint-stock company, association, or insurance company which is taxable upon its net income as hereinafter provided; eighth, the amount of income, the tax upon which has been paid or withheld for payment at the source of the income, under the provisions of this section, provided that whenever the tax upon the income of a person is required to be withheld and paid at the source as hereinafter required, if such annual income does not exceed the sum of \$3,000 or is not fixed or certain, or is indefinite, or irregular as to amount or time of accrual, the same shall not be deducted in the personal return of such person.

**Net Income of Nonresidents.**—The net income from property owned and business carried on in the United States by persons residing elsewhere shall be computed upon the basis prescribed in this paragraph and that part of paragraph G of this section relating to the computation of the net income of corporations, joint-stock and insurance companies, organized, created, or existing under the laws of foreign countries, in so far as applicable.

**Net Income, What Excluded.**—That in computing net income under this section there shall be excluded the interest upon the obligations of a State or any political subdivision thereof, and upon the obligations of the United States or its possessions; also the compensation of the present President of the United States during the term for which he has been elected, and of the judges of the supreme and inferior courts of the United States now in office, and the compensation of all officers and employees of a State or any political subdivision thereof except when such compensation is paid by the United States Government.

**C. Exemptions.**—That there shall be deducted from the amount of the net income of each of said persons, ascertained as provided herein, the sum of \$3,000, plus \$1,000 additional if the person making the return be a married man with a wife living with him, or plus the sum of \$1,000 additional if the person making the return be a married woman with a husband living with her; but in no event shall this additional exemption of \$1,000 be deducted by both a husband and a wife: Provided, That only one deduction of \$4,000 shall be made from the aggregate income of both husband and wife when living together.

**D. Returns.**—The said tax shall be computed upon the remainder of said net income of each person subject thereto, accruing during each preceding calendar year ending December thirty-first: Provided, however, That for the year ending December thirty-first, nineteen hundred and thirteen, said tax shall be computed on the net income accruing from March first to December thirty-first, nineteen hundred and thirteen, both dates inclusive, after deducting five-sixths only of the specific exemptions and deductions herein provided for. On or before the first day of March, nineteen hundred and fourteen, and the first day of March in each year thereafter, a true and accurate return, under oath or affirmation, shall be made by each person of lawful age, except as hereinafter provided, subject to the tax imposed by this section,

and having a net income of \$3,000 or over for the taxable year, to the collector of internal revenue for the district in which such person resides or has his principal place of business, or, in the case of a person residing in a foreign country, in the place where his principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources and from the total thereof, deducting the aggregate items or expenses and allowances herein authorized; guardians, trustees, executors, administrators, agents, receivers, conservators, and all persons, corporations, or associations acting in any fiduciary capacity, shall make and render a return of the net income of the person for whom they act, subject to this tax, coming into their custody or control and management, and be subject to all the provisions of this section which apply to individuals: Provided, That a return made by one of two or more joint guardians, trustees, executors, administrators, agents, receivers, and conservators, or other persons acting in a fiduciary capacity, filed in the district where such person resides, or in the district where the will or other instrument under which he acts is recorded, under such regulations as the Secretary of the Treasury may prescribe, shall be a sufficient compliance with the requirements of this paragraph; and also all persons, firms, companies, copartnerships, corporations, joint-stock companies or associations, and insurance companies, except as hereinafter provided, in whatever capacity acting, having the control, receipt, disposal, or payment of fixed or determinable annual or periodical gains, profits, and income of another person subject to tax, shall in behalf of such person deduct and withhold from the payment an amount equivalent to the normal income tax upon the same and make and render a return, as aforesaid, but separate and distinct, of the portion of the income of each person from which the normal tax has been thus withheld, and containing also the name and address of such person, or stating that the name and address or the address, as the case may be, are unknown: Provided, That the provision requiring the normal tax of individuals to be withheld at the source of the income shall not be construed to require any of such tax to be withheld prior to the first day of November, nineteen hundred and thirteen: Provided further, That in either case above mentioned no return of income not exceeding \$3,000 shall be required: Provided further, That any persons carrying on business in partnership shall be liable for income tax only in their individual capacity, and the share of the profits of a partnership to which any taxable partner would be entitled if the same were divided, whether divided or otherwise, shall be returned for taxation and the tax paid, under the provisions of this section, and any such firm, when requested by the Commissioner of Internal Revenue, or any district collector, shall forward to him a correct statement of such profits and the names of the individuals who would be entitled to the same, if distributed: Provided further, That persons liable for the normal income tax only, on their own account or in behalf of another, shall not be required to make return of the income derived from dividends on the capital stock

or from the net earnings of corporations, joint-stock companies or associations, and insurance companies taxable upon their net income as hereinafter provided. Any person for whom return has been made and the tax paid, or to be paid as aforesaid, shall not be required to make a return unless such person has other net income, but only one deduction of \$3,000 shall be made in the case of any such person. The collector or deputy collector shall require every list to be verified by the oath or affirmation of the party rendering it. If the collector or deputy collector have reason to believe that the amount of any income returned is understated, he shall give due notice to the person making the return to show cause why the amount of the return should not be increased, and upon proof of the amount understated may increase the same accordingly. If dissatisfied with the decision of the collector, such person may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish sworn testimony of witnesses to prove any relevant facts.

**E. Assessments.**—That all assessments shall be made by the Commissioner of Internal Revenue and all persons shall be notified of the amount for which they are respectively liable on or before the first day of June of each successive year, and said assessments shall be paid on or before the thirtieth day of June, except in cases of refusal or neglect to make such return and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon the information obtained as provided for in this section or by existing law, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such person or persons immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the thirtieth day of June in any year, and for ten days after notice and demand thereof by the collector, there shall be added the sum of 5 per centum on the amount of tax unpaid, and interest at the rate of 1 per centum per month upon said tax from the time the same became due, except from the estates of insane, deceased, or insolvent persons.

**Payment at Source.**—All persons, firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies, in whatever capacity acting, including lessees, or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, agents, receivers, conservators, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensation, remuneration, emoluments, or other fixed or determinable annual gains, profits, and income of another person, exceeding \$3,000 for any taxable year, other than dividends on capital stock, or from the net earnings of corporations and joint-stock companies or associations subject to like tax, who are required to make and render a return in behalf of another, as provided *herein*, to the collector of his, her, or its district, are hereby authorized and required to deduct and withhold from such annual gains, profits,

and income such sum as will be sufficient to pay the normal tax imposed thereon by this section, and shall pay to the officer of the United States Government authorized to receive the same; and they are each hereby made personally liable for such tax. In all cases where the income tax of a person is withheld and deducted and paid or to be paid at the source, as aforesaid, such person shall not receive the benefit of the deduction and exemption allowed in paragraph C of this section except by an application for refund of the tax unless he shall, not less than thirty days prior to the day on which the return of his income is due, file with the person who is required to withhold and pay tax for him, a signed notice in writing claiming the benefit of such exemption and thereupon no tax shall be withheld upon the amount of such exemption: Provided, That if any person for the purpose of obtaining any allowance or reduction by virtue of a claim for such exemption, either for himself or for any other person, knowingly makes any false statement or false or fraudulent representation, he shall be liable to a penalty of \$300; nor shall any person under the foregoing conditions be allowed the benefit of any deduction provided for in subsection B of this section unless he shall, not less than thirty days prior to the day on which the return of his income is due, either file with the person who is required to withhold and pay tax for him a true and correct return of his annual gains, profits, and income from all other sources, and also the deductions asked for, and the showing thus made shall then become a part of the return to be made in his behalf by the person required to withhold and pay the tax, or likewise make application for deductions to the collector of the district in which return is made or to be made for him: Provided further, That if such person is a minor or an insane person, or is absent from the United States, or is unable owing to serious illness to make the return and application above provided for, the return and application may be made for him by the person required to withhold and pay the tax, he making oath under the penalties of this Act that he has sufficient knowledge of the affairs and property of his beneficiary to enable him to make a full and complete return for him or her, and that the return and application made by him are full and complete: Provided further, That the amount of the normal tax hereinbefore imposed shall be deducted and withheld from fixed and determinable annual gains, profits, and income derived from interest upon bonds and mortgages, or deeds of trust or other similar obligations of corporations, joint-stock companies or associations, longer periods, although such interest does not amount to \$3,000, subject to the provisions of this section requiring the tax to be withheld at the source and deducted from annual income and paid to the Government; and likewise the amount of such tax shall be deducted and withheld from coupons, checks, or bills of exchange for or in payment of interest upon bonds of foreign countries and upon foreign mortgages or like obligations (not payable in the United States), and also from coupons, checks, or bills of exchange for or in payment of any dividends upon the stock or interest upon the obligations of foreign corporations, associations, and insurance companies engaged in business in foreign countries; and the tax in each



case shall be withheld and deducted for and in behalf of any person subject to the tax hereinbefore imposed, although such interest, dividends, or other compensation does not exceed \$3,000, by any banker or person who shall sell or otherwise realize coupons, checks, or bills of exchange drawn or made in payment of any such interest or dividends (not payable in the United States), and any person who shall obtain payment (not in the United States), in behalf of another of such dividends and interest by means of coupons, checks, or bills of exchange, and also any dealer in such coupons who shall purchase the same for any such dividends or interest (not payable in the United States), otherwise than from a banker or another dealer in such coupons; but in each case the benefit of the exemption and the deduction allowable under this section may be had by complying with the foregoing provisions of this paragraph.

**License.**—All persons, firms, or corporations undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner of Internal Revenue, and shall be subject to such regulations enabling the Government to ascertain and verify the due withholding and payment of the income tax required to be withheld and paid as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and any person who shall knowingly undertake to collect such payments as aforesaid without having obtained a license therefor, or without complying with such regulations, shall be deemed guilty of a misdemeanor and for each offense be fined in a sum not exceeding \$5,000, or imprisoned for a term not exceeding one year, or both, in the discretion of the court.

**Future Contracts Invalid.**—Nothing in this section shall be construed to release a taxable person from liability for income tax, nor shall any contract entered into after this Act takes effect be valid in regard to any Federal income tax imposed upon a person liable to such payment.

**Rules and Regulations.**—The tax herein imposed upon annual gains, profits, and income not falling under the foregoing and not returned and paid by virtue of the foregoing shall be assessed by personal return under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury.

**Payment at Source Restricted to Normal Tax.**—The provisions of this section relating to the deduction and payment of the tax at the source of income shall only apply to the normal tax hereinbefore imposed upon individuals.

**F. Penalties.**—That if any person, corporation, joint-stock company, association, or insurance company liable to make the return or pay the tax aforesaid shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, such person shall be liable to a penalty of not less than \$20 nor more than \$1,000. Any person or any officer of any corporation required by law to make, render,

sign, or verify any return who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this section to be made shall be guilty of a misdemeanor, and shall be fined not exceeding \$2,000 or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution.

G. (a) **Corporation Tax.**—That the normal tax hereinbefore imposed upon individuals likewise shall be levied, assessed, and paid annually upon the entire net income arising or accruing from all sources during the preceding calendar year to every corporation, joint-stock company or association, and every insurance company, organized in the United States, no matter how created or organized, not including partnerships; but if organized, authorized, or existing under the laws of any foreign country, then upon the amount of net income accruing from business transacted and capital invested within the United States during such year: Provided, however, That nothing in this section shall apply to labor, agricultural, or horticultural organizations, or to mutual savings banks not having a capital stock represented by shares, or to fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members, nor to domestic building and loan associations, nor to cemetery companies, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual, nor to business leagues, nor to chambers of commerce or boards of trade, not organized for profit or no part of the net income of which inures to the benefit of the private stockholder or individual; nor to any civic league or organization not organized for profit, but operated exclusively for the promotion of social welfare: Provided further, That there shall not be taxed under this section any income derived from any public utility or from the exercise of any essential governmental function accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State, Territory, or the District of Columbia, nor any income accruing to the government of the Philippine Islands or Porto Rico, or of any political subdivision of the Philippine Islands or Porto Rico: Provided, That whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, has, prior to the passage of this Act, entered in good faith into a contract with any person or corporation, the object and purpose of which is to acquire, construct, operate or maintain a public utility, no tax shall be levied under the provisions of this Act upon the income derived from the operation of such public utility, so far as the payment thereof will impose a loss or burden upon such State, Territory, or the District of Columbia, or a political subdivision of a State or Territory; but this provision is not intended to confer upon such person or cor-

poration any financial gain or exemption or to relieve such person or corporation from the payment of a tax as provided for in this section upon the part or portion of the said income to which such person or corporation shall be entitled under such contract.

(b) **Corporate Net Income, How Ascertained.**—Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint-stock company or association, or insurance company, received within the year from all sources (first) all the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any; and in the case of mines a reasonable allowance for depletion of ores and all other natural deposits, not to exceed 5 per centum of the gross value at the mine of the output for the year for which the computation is made; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: Provided, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy-holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves: Provided further, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policy-holders on account of premiums previously paid by them and interest paid upon such amounts between the ascertainment thereof and the payment thereof and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policy-holder as shall have been paid back or credited to such individual policy-holder, or treated as an abatement of premium of such individual policy-holder, within such year; (third) the amount of interest accrued and paid within the year on its indebtedness to an amount of such indebtedness not exceeding one-half of the sum of its interest-bearing indebtedness and its paid-up capital stock outstanding at the close of the year, or if no capital stock, the amount of interest paid within the year on an amount of its indebtedness not exceeding the amount of capital employed in the business at the close of the year: Provided, That in case of indebtedness wholly secured by collateral the subject of sale in ordinary business of such corporation, joint-stock company, or association, the total interest secured and paid by such company, corporation, or association within the year on any such indebtedness may be deducted as a part

of its expense of doing business: Provided further, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; and in the case of a bank, banking association, loan, or trust company, interest paid within the year on deposits or on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, or imposed by the Government of any foreign country: Provided, That in the case of a corporation, joint-stock company or association, or insurance company, organized, authorized, or existing under the laws of any foreign country, such net income shall be ascertained by deducting from the gross amount of its income accrued within the year from business transacted and capital invested within the United States, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States, including rentals or other payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States and not compensated by insurance or otherwise, including a reasonable allowance for depreciation by use, wear and tear of property, if any, and in the case of mines a reasonable allowance for depletion of ores and all other natural deposits, not to exceed 5 per centum of the gross value at the mine of the output for the year for which the computation is made; and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: Provided further, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy-holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves: Provided further, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policy-holders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment thereof and the payment thereof and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policy-holder as shall have been paid back or credited to such individual policy-holder, or treated as an abatement of premium of such individual policy-holder, within such year; (third) the amount of interest accrued and paid within the

year on its indebtedness to an amount of such indebtedness not exceeding the proportion of one-half of the sum of its interest-bearing indebtedness and its paid-up capital stock outstanding at the close of the year, or if no capital stock, the capital employed in the business at the close of the year which gross amount of its income for the year from business transacted and capital invested within the United States bears to the gross amount of its income derived from all sources within and without the United States: Provided, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed shall be allowed; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof or the District of Columbia. In the case of assessment insurance companies, whether domestic or foreign, the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guarantee or reserve funds shall be treated as being payments required by law to reserve funds.

(c) **Period of Computation.**—The tax herein imposed shall be computed upon its entire net income accrued within each preceding calendar year ending December thirty-first: Provided, however that for the year ending December thirty-first, nineteen hundred and thirteen, said tax shall be imposed upon its entire net income accrued within that portion of said year from March first to December thirty-first, both dates inclusive, to be ascertained by taking five-sixths of its entire net income for said calendar year: Provided further, That any corporation, joint-stock company or association, or insurance company subject to this tax may designate the last day of any month in the year as the day of the closing of its fiscal year and shall be entitled to have the tax payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the collector of the district in which its principal business office is located at any time not less than thirty days prior to the date upon which its annual return shall be filed.

**Annual Return of Corporations.**—All corporations, joint-stock companies or associations, and insurance companies subject to the tax herein imposed, computing taxes upon the income of the calendar year, shall, on or before the first day of March, nineteen hundred and fourteen, and the first day of March in each year thereafter, and all corporations, joint-stock companies or associations, and insurance companies, computing taxes upon the income of a fiscal year which it may designate in the manner hereinbefore provided, shall render a like return within sixty days after the close of its said fiscal year, and within sixty days after the close of its fiscal year in each year thereafter, or in the case of a corporation, joint-stock company or associa-

tion, or insurance company, organized or existing under the laws of a foreign country, in the place where its principal business is located within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, shall render a true and accurate return under oath or affirmation of its president, vice-president, or other principal officer, and its treasurer or assistant treasurer, to the collector of internal revenue for the district in which it has its principal place of business, setting forth (first) the total amount of its paid-up capital stock outstanding, or if no capital stock, its capital employed in business, at the close of the year; (second) the total amount of its bonded and other indebtedness at the close of the year; (third) the gross amount of its income, received during such year from all sources and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States; (fourth) the total amount of all its ordinary and necessary expenses paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint-stock company or association, or insurance company within the year, stating separately all rentals or other payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business within the United States; (fifth) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: Provided further, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy-holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves: Provided further, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts paid to policy-holders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment thereof and the payment thereof and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policy-holder as shall have been paid back or credited to such individual policy-holder, or treated as an abatement of premium of such individual policy-holder, within such year; and in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in

business conducted by it within the United States, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in case of insurance companies the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: Provided further, That mutual fire insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policy-holders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves: Provided further, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policy-holders on account of premiums previously paid by them and interest paid upon such amounts between the ascertainment thereof and the payment thereof and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policy-holder as shall have been paid back or credited to such individual policy-holder, or treated as an abatement of premium of such individual policy-holder, within such year; (sixth) the amount of interest accrued and paid within the year on its bonded or other indebtedness not exceeding one-half of the sum of its interest-bearing indebtedness and its paid-up capital stock, outstanding at the close of the year, or if no capital stock, the amount of interest paid within the year on an amount of indebtedness not exceeding the amount of capital employed in the business at the close of the year, and in the case of a bank, banking association, or trust company, stating separately all interest paid by it within the year on deposits; or in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded or other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, or if no capital stock, the amount of capital employed in the business at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States bear to the gross amount of its income derived from all sources within and without the United States: (seventh) the amount paid by it within the year for taxes imposed under the authority of the United States and separately the amount so paid by it for taxes imposed by the Government of any foreign country; (eighth) the net income of such corporation, joint-stock company or association, or insurance company, after making the deductions in this subsection authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

**Corporation Assessment and Payment.**—All assessments shall be made and the several corporations, joint-stock companies or associations, and insurance companies shall be notified of the amount for which they are respectively liable on or before the first day of June of each successive year, and said assessment shall be paid on or before the thirtieth day of June: Provided, That every corporation, joint-stock company or association, and insurance company, computing taxes upon the income of the fiscal year which it may designate in the manner hereinbefore provided, shall pay the taxes due under its assessment within one hundred and twenty days after the date upon which it is required to file its list or return of income for assessment; except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as provided for in this section or by existing law, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint-stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the thirtieth day of June in any year, or after one hundred and twenty days from the date on which the return of income is required to be made by the taxpayer, and after ten days' notice and demand thereof by the collector, there shall be added the sum of 5 per centum on the amount of tax unpaid and interest at the rate of 1 per centum per month upon said tax from the time the same becomes due.

(d) **Inspection of Returns.**—When the assessment shall be made as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: Provided, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President: Provided further, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company, association or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe.

**Penalty for Nonreturn or False Return.**—If any of the corporations, joint-stock companies or associations, or insurance companies aforesaid, shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint-stock company or association, or insurance company shall be liable to a penalty of not exceeding \$10,000.

H. **"State" and "United States" Defined.**—That the word "State" or "United States" when used in this section shall be construed to include any Territory, Alaska, the District of Columbia, Porto Rico,



and the Philippine Islands, when such construction is necessary to carry out its provisions.

**I. Amendments to Revised Statutes.**—That sections thirty-one hundred and sixty-seven, thirty-one hundred and seventy-two, thirty-one hundred and seventy-three, and thirty-one hundred and seventy-six of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

“Sec. 3167. **Divulging Information.**—It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

“Sec. 3172. **Investigating Expeditions.**—Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

“Sec. 3173. **Annual List.**—It shall be the duty of any person, partnership, firm, association or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the thirty-first day of July in each year, in case of income tax on or before the first day of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares,*

and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: Provided further, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest postoffice, a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and cannot be found within such State, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

**"Sec. 3176. Neglect to Render Return or False Return.**—When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person or corporation, company or association, and the Commissioner of Internal Revenue shall assess all taxes not paid by

stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per centum to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per centum to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held *prima facie* good and sufficient for all legal purposes."

**J. Receipts for Taxes.**—That it shall be the duty of every collector of internal revenue, to whom any payment of any taxes other than the tax represented by an adhesive stamp or other engraved stamp is made under the provisions of this section, to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

**K. Jurisdiction of District Courts.**—That jurisdiction is hereby conferred upon the district courts of the United States for the district within which any person summoned under this section to appear to testify or to produce books shall reside, to compel such attendance, production of books, and testimony by appropriate process.

**L. Provisions Continued in Force.**—That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this section, are hereby extended and made applicable to all the provisions of this section and to the tax herein imposed.

**M. Porto Rico and Philippines.**—That the provisions of this section shall extend to Porto Rico and the Philippine Islands: Provided, That the administration of the law and the collection of the taxes imposed in

Porto Rico and the Philippine Islands shall be by the appropriate internal-revenue officers of those governments, and all revenues collected in Porto Rico and the Philippine Islands thereunder shall accrue intact to the general governments, thereof, respectively: And provided further, That the jurisdiction in this section conferred upon the district courts of the United States shall, so far as the Philippine Islands are concerned, be vested in the courts of the first instance of said islands: And provided further, That nothing in this section shall be held to exclude from the computation of the net income the compensation paid any official by the governments of the District of Columbia, Porto Rico and the Philippine Islands or the political subdivisions thereof.

**N. Appropriation.**—That for the purpose of carrying into effect the provisions of Section II of this Act, and to pay the expenses of assessing and collecting the income tax therein imposed, and to pay such sums as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem necessary, for information, detection, and bringing to trial and punishment persons guilty of violating the provisions of this section, or conniving at the same, in cases where such expenses are not otherwise provided for by law, there is hereby appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending June thirtieth, nineteen hundred and fourteen, the sum of \$800,000, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint and pay from this appropriation all necessary officers, agents, inspectors, deputy collectors, clerks, messengers and janitors, and to rent such quarters, purchase such supplies, equipment, mechanical devices, and other articles as may be necessary for employment or use in the District of Columbia or any collection district in the United States, or any of the Territories thereof: Provided, That no agent paid from this appropriation shall receive compensation at a rate higher than that now received by traveling agents on accounts in the Internal Revenue Service, and no inspector shall receive a compensation higher than \$5 a day and \$3 additional in lieu of subsistence, and no deputy collector, clerk, messenger, or other employee shall be paid at a rate of compensation higher than the rate now being paid for the same or similar work in the Internal Revenue Service.

**Additional Officials.**—In the office of the Commissioner of Internal Revenue at Washington, District of Columbia, there shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury one additional deputy commissioner, at a salary of \$4,000 per annum; two heads of divisions, whose compensation shall not exceed \$2,500 per annum; and such other clerks, messengers, and employees, and to rent such quarters and to purchase such supplies as may be necessary: Provided, That for a period of two years from and after the passage of this Act the force of agents, deputy collectors, inspectors, and other employees not including the clerical force below the grade of chief of division employed in the Bureau of Internal Revenue in the city of Washington, District of Columbia, authorized by this section of this Act shall be appointed by the Commissioner of Internal

Revenue, with the approval of the Secretary of the Treasury, under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limitations herein prescribed: Provided further, That the force authorized to carry out the provisions of Section II of this Act, when not employed as herein provided, shall be employed on general internal-revenue work.

**Portion of Subdivision "S" of Section IV of the Tariff Act—Continuation in Force of the Present Corporation Excise Tax for Certain Purposes.**—Provided further, That all excise taxes upon corporations imposed by section thirty-eight, that have accrued or have been imposed for the year ending December thirty-first, nineteen hundred and twelve, shall be returned, assessed, and collected in the same manner, and under the same provisions, liens, and penalties as if section thirty-eight continued in force and effect: And provided further, That a special excise tax with respect to the carrying on or doing of business, equivalent to 1 per centum upon their entire net income, shall be levied, assessed, and collected upon corporations, joint-stock companies or associations, and insurance companies, of the character described in section thirty-eight of the Act of August fifth, nineteen hundred and nine, for the period from January first to February twenty-eighth, nineteen hundred and thirteen, both dates inclusive, which said tax shall be computed upon one-sixth of the entire net income of said corporations, joint-stock companies or associations, and insurance companies, for said year, said net income to be ascertained in accordance with the provisions of subsection G of section two of this Act: Provided further, That the provisions of said section thirty-eight of the Act of August fifth, nineteen hundred and nine, relative to the collection of the tax therein imposed shall remain in force for the collection of the excise tax herein provided, but for the year nineteen hundred and thirteen it shall not be necessary to make more than one return and assessment for all the taxes imposed herein upon said corporations, joint-stock companies or associations, and insurance companies, either by way of income or excise, which return and assessment shall be made at the time and in the manner provided in this Act; but the repeal of existing laws or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said repeal or modification; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modification had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the passage of this Act under any statute embraced in or changed, modified, or repealed by this Act may be prosecuted or punished in the same manner and with the same effect as if this Act had not been passed. No Act of limitation now in force, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this Act shall be affected thereby so far as they affect any

suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this Act, which may be commenced and prosecuted within the same time and with the same effect as if this Act had not been passed.

**T. Invalid Provision not to Affect Others.**—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**U. When Effective.**—That unless otherwise herein specially provided, this Act shall take effect on the day following its passage.

Approved 9:10 P. M., October 3, 1913.

## **INSTRUCTIONS OF THE UNITED STATES TREASURER REGARDING THE INCOME TAX.**

Regulations regarding the deduction of the Income Tax at the source on interest maturing on bonds, notes and other similar obligations of corporations, joint-stock companies or associations, and insurance companies under the provisions of Section 2 of the Act of October 3, 1913:

**Tax to be Deducted at Source.**—Under the Income Tax Law enacted October 3, 1913, a tax of one per cent, designated in the law as the normal tax, shall be deducted at "the source," beginning November 1, 1913, from all income accruing and payable to

Every citizen of the United States whether residing at home or abroad, and to

Every person residing in the United States though not a citizen thereof which may be derived from interest upon bonds and mortgages or deeds of trust or other similar obligations, including equipment, trust agreements and receivers' certificates, of corporations, joint-stock companies or associations, and insurance companies, although such interest does not amount to \$3,000, excepting only the interest upon the obligations of the United States or its possessions, or a State or any political subdivision thereof.

The term "debtor" as hereinafter used shall be construed to cover all corporations, joint-stock companies or associations, and insurance companies.

**When Tax shall be Withheld by Debtor.**—For the purpose of collecting this tax on all coupons and registered interest originating or payable in the United States the source shall be the debtor (or its paying agent in the United States), which shall deduct the tax when same is to be withheld and no other bank, or trust company, banking firm or individual taking coupons or interest orders for collection, or otherwise, shall withhold the tax thereon; provided, that all such coupons or orders for registered interest are accompanied by certificates of owner-

ship, signed by the owners of the bonds upon which the interest matured. These certificates shall be in the forms hereinafter prescribed, and each separate certificate shall be made out by the owner of the bonds for the coupons or interest orders for each separate issue of bonds or obligations of each debtor.

**When Tax shall be Withheld by First Collecting Agency.**—If, however, the coupons or interest orders are not accompanied by certificates as prescribed above, the first bank, trust company, banking firm, or individual, or collecting agency receiving the coupons or interest orders for collection, or otherwise, shall deduct and withhold the tax and shall attach to such coupons or interest orders its own certificate, giving the name and address of the owner, or the person presenting such coupons or interest orders, if the owner is not known, with a description of the coupons or interest orders; also setting forth the fact that they are withholding the tax upon them; whereupon the debtor shall not again withhold the tax on said coupons or interest orders, but in lieu thereof shall deliver to the government the certificate of such bank, trust company, etc., which is withholding such tax money.

Any corporation, collecting agency, or person first receiving from the owner any interest coupons or orders for the collection of registered interest, and to whom the certificates above provided for are delivered, should require the persons tendering such coupons or orders for registered interest, to satisfactorily establish their identity.

**Payment of Registered Interest by Debtors.**—The debtor whose bonds may be registered both as to principal and interest shall deduct the normal tax of one per cent from the accruing interest on all bonds before sending out checks for said interest to registered owners or before paying such interest upon interest orders, signed by the registered holders of said bonds until there shall be filed with said debtor or its fiscal agent (and not later than thirty days prior to March 1st) through whom said interest is customarily paid, the proper certificates claiming exemption from liability for said tax as herein provided, executed as follows:

By a citizen or resident of the United States, the *bona fide* owner of the registered obligations, who may claim exemption under Paragraph C, Section 2, of the Federal Income Tax Law, or

By corporations, joint-stock companies or associations or insurance companies, organized in the United States, or organizations, associations, fraternities, etc., which are either taxable or exempt from taxation, as provided in Paragraph G, Subdivision A, of the Act, or

By a *bona fide* resident and citizen of a foreign country claiming exemption as such.

**Designation of Fiscal Agencies.**—The "debtor" may appoint paying or fiscal agents to act for it in matters pertaining to the collection of the tax upon filing with the Collector of Internal Revenue for its district a proper notice of the appointment of such agent or agents.

**Certificates Claiming Exemption.**—If the owners of the bonds are individuals who are citizens or residents of the United States, the afore-

said certificates shall accompany the coupons, or, with respect to the interest on registered bonds, shall be filed with the payer of said interest, and such certificates shall describe the bonds and show the amount of coupons attached to or the amount of interest due such owners on registered bonds and the full names and address of the owners, and shall also state whether they claim or do not claim exemption from taxation at the source provided for in Paragraph C of Section 2 of the Federal Income Tax Law (\$3,000 and under certain conditions \$4,000) as to the income represented by such coupons or interest.

The certificates shall also show the amount, if any, of exemption claimed and the date of signature.

The form of certificate to be used for this purpose shall be substantially as follows:

**Form of Certificate to be Presented With Coupons or Interest Orders Stating Whether or not Exemption is Claimed Under Paragraph C, Section 2, of the Federal Income Tax Law.**

I do solemnly swear that I, ....., a citizen, or resident, of the United States, and residing at ....., am the owner of ..... dollars (\$.....) in bonds of the denominations of ..... dollars (\$.....) each, Nos. .... of the ..... known as ..... bonds from which were detached the accompanying coupons, due ....., 191...., amounting to ..... dollars (\$.....), or upon which there matured....., 191...., ..... dollars (\$.....) of registered interest.

I do (or do not) now claim with respect to the income represented by said interest the benefit of a deduction of ..... dollars (\$.....) allowed under Paragraph C, Section 2, of the Federal Income Tax Law, my total exemption thereunder being ..... dollars.

(Name) .....

(Address) .....

(Date) ....., 191....

Whenever interest coupons accompanied by a certificate of an individual who is a citizen or resident of the United States as aforesaid, are presented to a debtor or its fiscal agent for payment, or whenever interest is payable to such individual on a bond registered as to both principal and interest, the debtor or its fiscal agent shall deduct and withhold the amount of the normal tax, except to the extent that exemption is claimed in the certificate of ownership in the form herein prescribed.

Where the interest to be paid is registered, the same form of certificate shall be used where exemptions are claimed, except that it shall be filed with the debtor at least five days before the due date of such interest.

**By Whom Signed.**—These certificates must be signed by the claimants with their full names and contain their postoffice and street addresses, also the date when signed.

Duly authorized agents, trustees acting in a trust capacity, etc., may sign such certificates for the persons for whom they act.

**Organizations Whose Interest Coupons are not Taxed at the Source.**—If the owners of the bonds are corporations, joint-stock com-



panies or associations, or insurance companies, organized in the United States, no matter how created, or organized, or if they are organizations, associations, or fraternities, which are either taxable or exempt from taxation as provided in Paragraph G, Subdivision A, of the Act, the debtor is not required to withhold or deduct the tax upon income derived from interest on such bonds, provided coupons or orders for interest from such bonds shall be accompanied by a certificate of the owner thereof certifying to such ownership, which certificate shall be filed with the debtor when such coupons or interest orders are presented for payment.

Such certificate shall be substantially in the following form:

**Certificates to be Furnished by Organizations not Subject to Tax on Interest at the Source.**

I, ....., the ..... of the ....., a ..... of ....., do solemnly declare that said ..... is the owner of ..... dollars (\$.....) in bonds of the denominations of ..... dollars (\$.....) each, Nos. .... of the ..... known as ..... bonds from which were deducted the accompanying coupons due ..... 191...., amounting to ..... dollars (\$....) or upon which there matured ....., 191...., ..... dollars (\$....) of registered interest, and that under the provisions of the Income Tax Law of October 3, 1913, said interest is exempt from the payment of taxes collectible at the source, which exemption is hereby claimed.

(Name).....

(Of).....

(Address).....

(Date) .....191....

This certificate must be signed by the full name of the organization, stating its place of business, and by the president, secretary or some other principal officer of said corporation or organization duly authorized to sign the same, together with the date of execution.

**How Collected When not Accompanied by the Certificate of Owner.—**

Where coupons or interest orders are not accompanied by the ownership certificates, the form to be executed by the first bank, trust company, banking firm, individual, or collecting agency, receiving the same for collection, or otherwise, which must accompany the coupons or interest orders, shall be substantially as follows:

**Form of Certificate to be Presented With Coupons or Interest Orders When not Accompanied by the Certificate of Owners.**

I, ....., the ..... of the ..... of ....., do solemnly declare that said ..... has (or have) purchased or accepted for collection the accompanying coupons or interest orders amounting to ..... dollars (\$.....), and which represent interest matured on ..... dollars (\$.....), of bonds of the ..... and that ..... received said coupons or orders for registered interest from ..... of ....., and that no certificate of ownership accompanied said coupons or interest orders, and ..... hereby acknowledges responsibility

of withholding therefrom the normal income tax of one per cent, in accordance with the regulations of the Treasury Department.

(Name) .....

By .....

(Address) .....

(Date) ....., 191.....

This certificate shall be dated and signed by and shall state the address of the corporation, organization, collecting agency, or person withholding the tax with full names and addresses.

**Final Disposition of Certificates.**—The debtor or paying agent shall deliver all certificates, with the list of names and addresses of those for whom the tax has been withheld, showing amounts, as required by law, to the Collector of Internal Revenue for their district on or before the 20th day of the month succeeding that in which said certificates were received by them.

**Interest Due Before March 1, 1913.**—The tax shall not be withheld on coupons or registered interest maturing and payable before March 1, 1913, although presented for payment at a later date.

**License Required for Collection of Income from Foreign Countries.** All persons, firms, or corporations undertaking for accommodation or profit (this includes handling either by way of purchase or collection) the collection of coupons, checks, bills of exchange, etc., for or in payment of interest upon bonds issued in foreign countries and upon foreign mortgages or like obligations, and for any dividends upon stock or interest upon obligations of foreign corporations, associations, or insurance companies engaged in business in foreign countries, are required by law to obtain a license from the Commissioner of Internal Revenue and may be required to give bond in such amount and under such conditions as the Commissioner of Internal Revenue may prescribe.

**By Whom Tax is Withheld.**—The licensed person, firm or corporation first receiving any such foreign items for collection or otherwise, shall withhold therefrom the normal tax of one per cent, and will be held responsible therefor. He (the licensee) shall thereupon indorse or stamp thereon the words "Income Tax Withheld by" (giving his or their name, address, and date), which shall be sufficient evidence to relieve subsequent holders or purchasers from the duty of also withholding the income tax.

If the size or nature of such coupons, checks, etc., makes it impracticable to make said indorsement as above, a statement identifying the item on which tax is withheld and bearing said indorsement may be attached thereto with the same effect as if the indorsement was made directly thereon.

**List of Tax Collections on Foreign Items.**—Such licensees shall obtain the names and addresses of the persons from whom such items are received, and shall prepare a list of same and file it with the Collector of Internal Revenue for his district not later than the 20th

day of the month next succeeding the receipt of such items. The list shall be dated, and shall contain the names and addresses of the taxable persons and the amount of tax deducted, and from what source collected.

**Certificates to Secure Tax Exemption on Foreign Items.**—In the event such coupons, checks or bills of exchange above mentioned are presented for collection by an individual claiming the benefit of the deductions allowable under paragraph C, section 2, of the Federal Income Tax law, such individual shall be permitted to avail himself of the deduction claimed, upon the signing of the form heretofore prescribed for coupons payable in the United States, and no tax shall be deducted for the amount of the exemption so claimed; or if such items are presented by corporations, joint-stock companies or associations, and insurance companies, organized in the United States, the form of certificate heretofore prescribed for such organizations shall be used, and in such instances no tax shall be deducted.

In both instances the licensee first receiving such items shall retain such certificates for delivery with the lists aforesaid to the Collector of Internal Revenue for his district not later than the 20th day of the month next succeeding that in which said items were received, and with respect to said coupons, checks, or bills of exchange, said licensee shall attach thereto (identifying the items) or indorse, or stamp thereon the words "Income Tax Exemption Claimed through" (giving name and address of licensee), which shall be sufficient evidence to relieve subsequent holders or purchasers from the duty of also withholding the tax thereon.

The provision for collection of the tax on foreign obligations set forth in this section of the regulations includes the interest upon all foreign bonds, even though the coupons may be at the option of the holder, payable in the United States as well as in some foreign country.

**Accurate Record to be Kept by Licensee.**—All persons licensed shall keep their records in such manner as to show from whom every such item has been received, and such records shall be open at all times to the inspection of Internal Revenue officers.

**Penalty for Omission to Obtain License.**—Failure to obtain license or to comply with regulations is punishable by a fine not exceeding \$5,000, or imprisonment not exceeding one year, or both, in the discretion of the court. Such licenses shall continue in force until revoked. Application for such licenses should be made to the Collector of Internal Revenue for the district in which they are engaged in business, and may be issued without cost to such persons as the Commissioner may approve, upon their filing with the Collector the bond herein provided for.

All persons making application to the Collector of Internal Revenue for such licenses shall register their names and addresses and state the nature of the business in which they are engaged. Such application for the license, accompanied by a proper surety bond, when both have been approved by the Collector, will be considered a sufficient compliance with the law to enable the persons making applica-

tion to do business until February 1, 1914, without incurring the penalties provided by law for failure to procure the required license.

**Penalty for False Statements.**—If any person, for the purpose of obtaining any allowance for reduction by virtue of a claim for exemption, either for himself or for any other, knowingly makes a false statement or false or fraudulent representation, he is liable under the Act to severe penalties.

**Partnerships.**—Where coupons or interest orders, presented for payment, represent the interest on bonds, or other similar obligations, owned by a partnership, they shall be accompanied by a certificate of ownership, which shall be signed either in the firm's name by one member of the firm or by each individual member of the partnership, and the normal tax shall be withheld by the debtor with respect to the income represented by said interest.

Said certificate or ownership shall be in substantially the following form:

**Form of Certificate to be Filled Out and Signed by Members of Partnerships.**

The following certificate should be used when coupons or interest orders are presented by citizens or residents of the United States for collection of interest on bonds, or other similar obligations, owned by the partnerships of which they are members:

I, ....., a member of the firm or partnership of ..... of ..... and residing at ..... do solemnly declare that the said partnership is the owner of (\$.....) ..... dollars of bonds of the denomination of (\$.....) ..... dollars each, Nos. .... of the ..... known as ..... bonds, from which were detached the accompanying interest coupons, due ....., 191..., amounting to (\$.....) ..... dollars, or upon which there matured ..... 191..., (\$.....) ..... dollars of registered interest, and that the name and address of said firm or partnership, and the name of the individual members thereof, and their places of residence, are as follows:

.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Names of partners.  
(Name of partner signing)

Address.

(Of firm of)

Address.....

Date.....

Any member of a partnership who is entitled to a deduction (under Paragraph C, Section 2, of the Income Tax Law) of his *pro rata* share of the tax which may be withheld at the source of interest on bonds owned by his copartnership, as above, may claim such deduction or

allowance when he shall make his individual income tax return for the year in which said deduction at the source was made.

**Nonresident Foreigners Owning Interest-bearing Bonds not Subject to Taxation on Income from Such Bonds if Proper Certificate Furnished.**—This tax will not be deducted from the income which may be derived from interest on bonds, mortgages, equipment trusts, receivers' certificates, or other similar obligations of which the *bona fide* owners are citizens of foreign countries residing in foreign countries; Provided, that such interest coupons, or in case of wholly registered bonds, the orders for the payment of such interest shall be accompanied by duly certified certificates hereinafter provided for to cover the cases of foreign and nonresident owners of bonds and other securities.

Unless such proof of foreign ownership is duly furnished, the normal tax of one per cent shall be deducted as herein provided. Such certificate shall be in substantially the following form:

**Form of Certificate to be Presented With Coupons or Interest Orders, Detached from Bonds or Other Obligations Owned by Those Who are Both Citizens or Subjects and Residents of Foreign Countries.**

I do solemnly declare that I am not a citizen or resident of the United States of America, but a subject or citizen of ....., and that I am the owner of ..... dollars of bonds of the denomination of ..... dollars each, Nos. .... of the ..... known as ..... bonds, from which were detached the accompanying coupons, due ..... 191...., amounting to (\$....) ..... dollars, or upon which there matured ....., 191.... (\$.....) ..... dollars of registered interest and that, being a nonresident foreigner, I am exempt from the income tax imposed on such interest by the United States Government under the law enacted October 3, 1913, and that no citizen of the United States, wherever residing, or foreigner residing in the United States, or any of its possessions, has any interest in said bonds, coupons, or interest.

(Signature of owner of bonds.)

.....  
Address.....

Dated ....., 191....

**Temporary Provision.**—In view of the fact that the time required for the interpretation of the law and preparation and issuance of these regulations brings the date so near November 1st, and that many coupons payable upon that date are already in transit without the prescribed certificate attached, with a desire to cause as small an amount of inconvenience as possible to bondholders and general business as may be compatible with the provisions of the law and of these regulations, the following temporary provision is made:

On November 1, 1913, and for fifteen days thereafter, coupons presented to a debtor need not be accompanied by certificates in any of the forms hereinbefore described, provided that such coupons are accompanied by a certificate substantially in the following form:

**Form of Temporary Certificate Which may be Used Only Prior to  
November 16, 1913, Subject to Substitution.**

I ..... (or we) hereby certify that I am (or we) lawfully entitled to present for payment the accompanying coupons or interest orders, amounting to ..... dollars (\$.....), representing interest matured on the following bonds (giving name of debtor and designating the description, style and numbers of the bonds); that said coupons, or interest orders came into my (or our) possession unaccompanied by a certificate of ownership of said bonds, in any of the forms required by the regulations of the United States Treasury Department, and that the name and address of the owner of such bonds are as follows (give name and address of owner, or if impossible to do this, so state):

(Name of person, firm or corporation presenting coupons.)

(By) .....

(Address) .....

On or before February 1, 1914, certificates of the ownership of any of the bonds upon which was collected the interest referred to in such temporary certificates, in any of the forms above set forth, may be delivered to the debtor; and said debtor may thereupon return any sum withheld to which the owner of such bonds may be entitled under the law and regulations upon the facts disclosed by such ownership certificates. Any temporary certificates relating to bonds, for which certificates of ownership shall not have been substituted with the debtor, shall, on or before March 1, 1914, be delivered to the Collector of Internal Revenue.

All forms of certificates herein provided for shall be 8 inches wide and 3½ inches from top to bottom, and printed on paper corresponding in weight and texture to glazed bond paper 17x28, about 26 pounds to the ream of 500 sheets, or white writing paper 21x32, about 32 pounds to the ream of 500 sheets, and the person or corporation first receiving coupons for collection shall write or stamp his or its name and address and date on the back of said certificates.

W. H. OSBORN,  
Collector of Internal Revenue.

W. G. McADOO,  
Secretary of the Treasury.  
Approved October 25, 1913.

**OLD CORPORATION TAX LAW AND REGULATIONS  
—ACT OF 1909.**

For the year ending December 31, 1913, the Income Tax is computed as follows: 5/6 of the tax is computed under the new law of 1913, and 1/6 under the old law of 1909. For that reason the old law, and so much of the regulations as are pertinent, are reprinted as follows:

**What Companies Taxed—How Computed—Five Thousand Dollars Exemption—What Organizations Excluded.**—Every corporation, joint-stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company, equivalent to one per centum upon the entire net income over and above five thousand dollars received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax hereby imposed; or if organized under the laws of any foreign country, upon the amount of net income over and above five thousand dollars received by it from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during such year, exclusive of amounts so received by it as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax hereby imposed: Provided, however, That nothing in this section contained shall apply to labor, agricultural or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders or associations, and dependents of such members, nor to domestic building and loan associations, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual.

**Net Income, How Ascertained—Deductions: Expenses, Losses, Depreciation, Interest, Taxes, Dividends—Foreign Corporations.**—Second. Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint-stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses actually paid within the year out of income in the maintenance and operation of its business and properties, including all charges such as rentals or franchise payments, required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation of

property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint-stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, all interest actually paid by it within the year on deposits; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, or imposed by the government of any foreign country as a condition to carry on business therein; (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax hereby imposed: Provided, That in the case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States and its Territories, Alaska, and the District of Columbia, including all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States or its Territories, Alaska, or the District of Columbia not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness, not exceeding the proportion of its paid-up capital stock outstanding at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia bears to the gross amount of its income derived from all sources within and without the United States; (fourth) the sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof; (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint-stock companies or associations, and insurance companies, subject to the tax hereby imposed. In the case of assessment insurance companies the actual deposit of sums with State or Territorial



officers, pursuant to law, as additions to guaranty or reserve funds shall be treated as being payments required by law to reserve funds.

**Five Thousand Dollars Exemption—Return, by Whom Made and Contents.**—Third. There shall be deducted from the amount of the net income of each of such corporations, joint-stock companies or associations, or insurance companies, ascertained as provided in the foregoing paragraphs of this section, the sum of five thousand dollars, and said tax shall be computed upon the remainder of said net income of such corporation, joint-stock company or association, or insurance company, for the year ending December thirty-first, nineteen hundred and nine, and for each calendar year thereafter; and on or before the first day of March, nineteen hundred and ten, and the first day of March in each year thereafter, a true and accurate return under oath or affirmation of its president, vice-president, or other principal officer, and its treasurer or assistant treasurer, shall be made by each of the corporations, joint-stock companies or associations, and insurance companies, subject to the tax imposed by this section, to the collector of internal revenue for the district in which such corporation, joint-stock company or association, or insurance company has its principal place of business, or, in the case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, in the place where its principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth (first) the total amount of the paid-up capital stock of such corporation, joint-stock company or association, or insurance company, outstanding at the close of the year; (second) the total amount of the bonded and other indebtedness of such corporation, joint-stock company or association, or insurance company at the close of the year; (third) the gross amount of the income of such corporation, joint-stock company or association, or insurance company received during such year from all sources, and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia; also the amount received by such corporation, joint-stock company or association, or insurance company within the year by way of dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax imposed by this section; (fourth) the total amount of all the ordinary and necessary expenses actually paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint-stock company or association, or insurance company within the year, stating separately all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business

**Form of Temporary Certificate Which may be Used Only Prior to November 16, 1913, Subject to Substitution.**

I ..... or we) hereby certify that I am (or we) lawfully entitled to present for payment the accompanying coupons or interest orders amounting to ..... dollars \$..... representing interest matured on the following bonds (giving name of debtor and designating the description, style and numbers of the bonds); that said coupons or interest orders came into my or our possession unaccompanied by a certificate of ownership of said bonds, in any of the forms required by the regulations of the United States Treasury Department, and that the name and address of the owner of such bonds are as follows (give name and address of owner, or if impossible to do this so state :

Name of person, firm or corporation presenting coupons.)

(By) .....

Address) .....

On or before February 1, 1914, certificates of the ownership of any of the bonds upon which was collected the interest referred to in said temporary certificates, in any of the forms above set forth, may be delivered to the debtor; and said debtor may thereupon return any sum withheld to which the owner of such bonds may be entitled under the law and regulations upon the facts disclosed by such ownership certificates. Any temporary certificates relating to bonds, for which certificates of ownership shall not have been substituted with the debtor, shall, on or before March 1, 1914, be delivered to the Collector of Internal Revenue.

All forms of certificates herein provided for shall be 8 inches wide and 14 inches from top to bottom, and printed on paper corresponding in weight and texture to glazed bond paper 17x28, about 26 pounds to the ream of 500 sheets, or white writing paper 21x32, about 32 pounds to the ream of 500 sheets, and the person or corporation first receiving coupons for collection shall write or stamp his or its name and address and date on the back of said certificates.

W. H. OSBORN,

Collector of Internal Revenue.

W. G. McADOO,

Secretary of the Treasury.

Approved October 25, 1913.

**OLD CORPORATION TAX LAW AND REGULATIONS  
—ACT OF 1909.**

For the year ending December 31, 1913, the Income Tax is computed as follows:  $\frac{3}{4}$  of the tax is computed under the new law of 1913 and  $\frac{1}{4}$  under the old law of 1909. For that reason the old law, and so much of the regulations as are pertinent, are reprinted as follows:

**What Companies Taxed—How Computed—Five Thousand Dollars Exemption—What Organizations Excluded.**—Every corporation, joint-stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company, equivalent to one per centum upon the entire net income over and above five thousand dollars received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax hereby imposed; or if organized under the laws of any foreign country, upon the amount of net income over and above five thousand dollars received by it from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during such year, exclusive of amounts so received by it as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax hereby imposed: Provided, however, That nothing in this section contained shall apply to labor, agricultural or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders or associations, and dependents of such members, nor to domestic building and loan associations, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual.

**Net Income, How Ascertained—Deductions: Expenses, Losses, Depreciation, Interest, Taxes, Dividends—Foreign Corporations.**—Second. Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint-stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses actually paid within the year out of income in the maintenance and operation of its business and properties, including all charges such as rentals or franchise payments, required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation of

within the United States and its Territories, Alaska, and the District of Columbia; (fifth) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; and in the case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in business conducted by it within the United States or its Territories, Alaska, and the District of Columbia, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve fund; (sixth) the amount of interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint-stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association, or trust company, stating separately all interest paid by it within the year on deposits; or in case of a corporation, joint-stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, bears to the gross amount of its income derived from all sources within and without the United States; (seventh) the amount paid by it within the year for taxes imposed under the authority of the United States or any State or Territory thereof, and separately the amount so paid by it for taxes imposed by the government of any foreign country as a condition to carrying on business therein; (eighth) the net income of such corporation, joint-stock company or association, or insurance company, after making the deductions in this section authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

**Incorrect Returns—Failure to Make Return—Authority of Commissioner—Amending Returns.**—Fourth. Whenever evidence shall be produced before the Commissioner of Internal Revenue which in the opinion of the commissioner justifies the belief that the return made by any corporation, joint-stock company or association, or insurance company is incorrect, or whenever any collector shall report to the Commissioner of Internal Revenue that any corporation, joint-stock company or association, or insurance company has failed to make a

return as required by law, the Commissioner of Internal Revenue may require from the corporation, joint-stock company or association, or insurance company making such return, such further information with reference to its capital, income, losses, and expenditures as he may deem expedient; and the Commissioner of Internal Revenue, for the purpose of ascertaining the correctness of such return or for the purpose of making a return where none has been made, is hereby authorized, by any regularly appointed revenue agent specially designated by him for that purpose, to examine any books and papers bearing upon the matters required to be included in the return of such corporation, joint-stock company or association, or insurance company, and to require the attendance of any officer or employee of such corporation, joint-stock company or association, or insurance company, and to take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons; and the Commissioner of Internal Revenue may also invoke the aid of any court of the United States having jurisdiction to require the attendance of such officers or employees and the production of such books and papers. Upon the information so acquired the Commissioner of Internal Revenue may amend any return or make a return where none has been made. All proceedings taken by the Commissioner of Internal Revenue under the provisions of this section shall be subject to the approval of the Secretary of the Treasury.

**Increase of Tax for False Return or Neglect to Make Return—Extension of Time—Tax When Payable—Subsequent Discovery of Falsity of Return.** Fifth. All returns shall be retained by the Commissioner of Internal Revenue, who shall make assessments thereon; and in case of any return made with false or fraudulent intent, he shall add one hundred per centum of such tax, and in case of a refusal or neglect to make a return or to verify the same as aforesaid he shall add fifty per centum of such tax. In case of neglect occasioned by the sickness or absence of an officer of such corporation, joint-stock company or association, or insurance company, required to make said return, or for other sufficient reason, the collector may allow such further time for making and delivering such return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax originally assessed, unless the refusal, neglect, or falsity is discovered after the date for payment of said taxes, in which case the amount so added shall be paid by the delinquent corporation, joint-stock company or association, or insurance company, immediately upon notice given by the collector. All assessments shall be made and the several corporations, joint-stock companies or associations, or insurance companies, shall be notified of the amount for which they are respectively liable on or before the first day of June of each successive year, and said assessments shall be paid on or before the thirtieth day of June, except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in

which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint-stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the thirtieth day of June in any year, and for ten days after notice and demand thereof by the collector, there shall be added the sum of five per centum on the amount of tax unpaid and interest at the rate of one per centum per month upon said tax from the time the same becomes due.

**Assessment and Returns are Public Records.**—Sixth. When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such.

**Penalty for Divulging Information.**—Seventh. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the discharge of his official duty, or to divulge or make known in any manner not provided by law any document received, evidence taken, or report made under this section except upon the special direction of the President; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

**Corporation Making False Return or Failing to Make Return—Penalty.**—Eighth. If any of the corporations, joint-stock companies or associations, or insurance companies aforesaid, shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint-stock company or association, or insurance company shall be liable to a penalty of not less than one thousand dollars and not exceeding ten thousand dollars.

**Person Making False Return, etc.—Penalty.**—Any person authorized by law to make, render, sign, or verify any return, who makes any false or fraudulent return, or statement, with intent to defeat or evade the assessment required by this section to be made, shall be guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution.

**Internal Revenue Laws Made Applicable.**—All laws relating to the collection, remission, and refund of internal-revenue taxes, so far as applicable to and not inconsistent with the provisions of this section, are hereby extended and made applicable to the tax imposed by this section.

**Jurisdiction of United States Courts.**—Jurisdiction is hereby conferred upon the circuit and district courts of the United States for the district within which any person summoned under this section to appear to testify or to produce books as aforesaid, shall reside, to compel such attendance, production of books, and testimony by appropriate process.

## REGULATIONS UNDER ACT OF 1909.

**All Companies must Report.**—The attention of collectors and others is specially called to the fact that the tax imposed by this section of the law applies to all corporations, joint-stock companies, associations, or insurance companies described (except those specifically exempted), without reference to the kind of business carried on, and that the tax is to be computed upon the net income of such corporations, joint-stock companies, associations, and insurance companies, which shall be calculated by subtracting from the gross income received from all sources during the year certain deductions specifically set forth in the statute.

**Whether Liable to Tax or not.**—Every corporation, joint-stock company, association, or insurance company not specifically enumerated as exempt shall make the return required by law, whether it may have net income liable to tax or not.

**Income of Domestic and Foreign Companies Distinguished.**—In the case of corporations, joint-stock companies, associations, or insurance companies organized under the authority of the United States or any State or Territory thereof, including Alaska and District of Columbia, such net income relates not only to the business carried on within the confines of the United States, but to income received from business transacted in any foreign country as well. In case of corporations, joint-stock companies, and associations organized under the authority of foreign countries the terms "Gross income," "Net income," and "Authorized deductions" relate only to business transacted within the United States or any State or Territory thereof.

**Gross Income.**—The following definitions and rules are given for determining the gross income of the various classes of corporations:

1-A. *Banks and Other Financial Institutions.*—Gross income consists of the gross revenue derived from the operation and management of the business and property of the corporation making the return, together with all amounts of income (including dividends received on stock of other corporations, joint-stock companies, associations, and insurance companies subject to this tax) derived from all other sources, as shown by the entries on its books from January 1st to December 31st of the year for which return is made.

1-B. *Insurance Companies.*—Same as 1-A above.

2. *Transportation Companies.*—Same as 1-A above.

3. *Manufacturing Companies.*—Gross income received during the year from all sources will consist of the total amount, ascertained

through an accounting, that shows the difference between the price received for the goods as sold and the cost of such goods as manufactured. The cost of goods manufactured shall be ascertained by an addition of a charge to the account of the cost of goods as manufactured during the year of the sum of the inventory at beginning of the year and a credit to the account of the sum of the inventory at the end of the year. To this amount should be added all items of income received during the year from other sources, including dividends received on stock of other corporations, joint-stock companies, associations, and insurance companies subject to this tax. In the determination of the cost of goods manufactured and sold as above such cost shall comprehend all charges for maintenance and operation of manufacturing plant, but shall not embrace allowances for depreciation of property nor for losses sustained which are to be taken account of in ascertaining the net income subject to tax under the proper heading in the authorized deductions.

4. *Mercantile Companies.*—Gross amount of income received during the year from all sources consists of the total amount ascertained through inventory, or its equivalent, which shows the difference between the price received for goods sold and the cost of goods purchased during the year, with an addition of a charge to the account of the sum of the inventory at beginning of the year and a credit to the account of the sum of the inventory at the end of the year. To this amount should be added all items of income received during the year from other sources inclusive of dividends received on stock of other corporations, joint-stock companies, associations, and insurance companies subject to this tax. In determining this amount no account shall be taken of allowances for depreciation of property, nor for losses sustained which are to be taken account of in ascertaining the net income subject to tax under the proper heading in the authorized deductions.

5. *Miscellaneous.*—Gross income consists of the gross revenue derived from the operation and management of the business and property of the corporation making the return, together with all amounts of income (including dividends received on stock of other corporations, joint-stock companies, associations, and insurance companies subject to this tax) derived from all other sources as shown by the entries on the books from January 1st to December 31st of the year for which return is made.

**Gross Income and Gross Profits.**—It will be noted from these definitions that gross income is practically the same as gross profits, the only difference being that gross income is more inclusive, embracing as it does not only gross profits of the corporation, joint-stock company and association itself, but also all amounts of income received from other sources. It is immaterial whether any item of gross income is evidenced by cash receipts during the year or in such other manner as to entitle it to proper entry on the books of the corporation from January 1st to December 31st for the year in which return is made.

**Sale of Capital Assets.**—In ascertaining income derived from the sale of capital assets, if the assets were acquired subsequent to January 1, 1909, the difference between the selling price and the buying price



shall constitute an item of gross income to be added to or subtracted from gross income according to whether the selling price was greater or less than the buying price. If the capital assets were acquired prior to January 1, 1909, the amount of increment or depreciation representing the difference between the selling and buying price is to be adjusted so as to fairly determine the proportion of the loss or gain arising subsequent to January 1, 1909, and which proportion shall be deducted from or added to the gross income for the year in which the sale was made. But for the purpose of determining the selling price, as provided in this section, there shall be added to the price actually realized on sale any amount which has already been set aside and deducted from gross income by way of depreciation as defined in article 4 and has not been paid out in making good such depreciation on the property sold.

**Where Corporation Doing More Than One Class of Business.**—Where a corporation is engaged in carrying on more than one class of business, gross income derived from the different classes of business shall be ascertained according to the definitions above, applicable thereto.

**Deductions.**—The specified deductions actually paid within the year, set forth in the statute and as described in article 3 preceding, shall include all proper items of expenses and charges under the respective heads as designated. The amount returned for ordinary and necessary expenses actually paid within the year out of income in maintenance and operation of the business and properties of the corporation should not, however, embrace allowances for depreciation of fixed property which are otherwise to be taken account of under the proper heading in the authorized deductions, nor expenses paid within the year and charged to such allowances for depreciation credited in the current year or in previous years. In ascertaining expenses proper to be included in the deductions to be made under this article, corporations carrying materials and supplies on hand for use should include in such expenses the charges for materials and supplies only to the amount that the same are actually disbursed and used in operation and maintenance during the year for which the return is made.

**Deductions, How Evidenced.**—It is immaterial whether the deductions are evidenced by actual disbursements in cash, or whether evidenced in such other way as to be properly acknowledged by the corporate officers and so entered on the books as to constitute a liability against the assets of the corporation, joint-stock company, association, or insurance company making the return.

**Losses.**—The deduction for losses must be in respect of losses actually sustained during the year and not compensated by insurance or otherwise. It must be based upon the difference between the cost value and salvage value of the property or assets, including in the latter value such amount, if any, as has in the current or previous years been set aside and deducted from gross income by way of depreciation as defined in the following section and not been paid out in making good such depreciation.

**Depreciation.**—The deduction for depreciation should be the estimated amount of the loss, accrued during the year to which the return

relates, in the value of the property in respect of which such deduction is claimed that arises from exhaustion, wear and tear, or obsolescence out of the uses to which the property is put, and which loss has not been made good by payments for ordinary maintenance and repairs deducted under the heading of expenses of maintenance and operation or in the ascertainment of gross income. This estimate should be formed upon the assumed life of the property, its cost value, and its use. Expenses paid in any one year in making good exhaustion, wear and tear, or obsolescence in respect of which any deduction for depreciation is claimed must not be included in the deduction for expense of maintenance and operation of the property or in the ascertainment of gross income, but must be made out of accumulative allowances deducted for depreciation in current and previous years.

**Inventories.**—It will be noted that an inventory or its equivalent of materials, supplies, and merchandise on hand for use or sale at the close of each calendar year is essential in the case of certain corporations in order to determine the gross income, and in case of other corporations to determine their expenses of operation. Where such inventory or its equivalent was not taken at the close of the year 1908, a supplemental statement showing such inventory approximately must be submitted with the return on the regular form. Such supplemental statement shall be verified under oath by the treasurer or principal financial officer in submitting the same.

**Explanatory Note.**—Where any item under any of the deductions is of an unusual nature a special explanatory note referring to such item shall be made and attached to the form at the appropriate place and made a part thereof by proper reference.

**Contents of Return.**—Each return is required to set forth:

(a) The total amount of the paid-up capital stock of such corporations, joint-stock companies or associations, or insurance companies, outstanding at the close of the year;

(b) The total amount of bonded and other indebtedness of such corporation, joint-stock company or association, or insurance company, at the close of the year;

(c) The gross amount of the income of such corporation, joint-stock company or association, or insurance company, received during the year from all sources, and if organized under the laws of a foreign country, the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its territories, Alaska, and the District of Columbia.

Such returns are also required to set forth the items claimed as deductions (Article 4), also the net income after such deductions have been made.

**Forms Prescribed.**—Under the authority conferred by this act forms of return have been prescribed, in which the various items specified in the law are to be stated.

**Blank Forms.**—Blank forms of this return will be mailed to collectors and should be furnished to every corporation, not expressly ex-

cepted, on or before January 1, 1910, and on or before January 1st of each year thereafter. Failure on the part of any corporation, joint-stock company, association, or insurance company liable to this tax, to receive a blank form will not excuse it from making the return required by law, or relieve it from any penalties for failure to make the return in the prescribed time. Corporations not supplied with the proper forms for making the return should make application therefor to the collector of internal revenue in whose district is located its principal place of business. Each corporation should carefully prepare its return so as to fully and clearly set forth the data therein called for.

**Bookkeeping.**—No particular system of bookkeeping or accounting will be required by the Department. However, the business transacted by corporations, joint-stock companies, associations, or insurance companies must be so recorded that each and every item therein set forth may be readily verified by an examination of the books and accounts, where such examination is deemed necessary.

**Calendar Year.**—As the law specifically provides that the tax imposed shall be computed on the net income during each "*calendar year*," returns of income based on any period other than the calendar year cannot be accepted.

**Newly Organized and Liquidating Corporation.**—Corporations organized during the year or going into liquidation during the year should nevertheless render a sworn return on the prescribed form.

**Record of Returns.**—Collectors will see that as soon as each return made by any corporation is received a record on Form 632 is made, setting out the name of the corporation making the return, the nature of the principal business transacted, the location of principal place of business, with net income reported, and the date on which such return was received. The date of receipt in each case will be noted in the last column of that form, in which column the list on which assessment is made will also be noted. For this purpose the column so used may be subdivided, or the date of receipt of such returns may be noted in red ink over the date entered therein as to such assessment list.

**Special Agents.**—Any collector will, whenever it appears advisable to do so, request that a revenue agent be specially designated to collect and furnish this office with such other data as, in his judgment, is necessary to determine the actual amount of tax to be assessed against any corporation, joint-stock company, or association which under the law set forth in these regulations is required to make return.

**Report of Noncompliances.**—Such returns are required to be made not later than March 1st of each year, and any failure to comply with the law in this regard should be at once reported by the collector to the Commissioner of Internal Revenue.

**Canvass of Districts.**—To enable collectors to determine whether all returns due have been received, a careful canvass of each district should be made, and all corporations, joint-stock companies, and associations subject to the tax imposed should be listed as above directed.

**Classification.**—For statistical purposes all such corporations, joint-stock companies, and associations will be classified as follows:

**Class A: *Financial and Commercial.***—Including banks, banking associations, trust companies, guaranty and surety companies, title insurance companies, building associations, if for profit, and insurance companies not specifically exempt.

**Class B: *Public Service.***—Such as railroads, steamboat, ferryboat, and stage-line companies; pipe-line, gas, and electric light companies; express, transportation, and storage companies; telegraph and telephone companies.

**Class C: *Industrial and Manufacturing.***—Such as mining, lumber, and coke companies; rolling-mills; foundry and machine-shops; saw-mills; flour, woolen, cotton, and other mills; manufacturers of cars, automobiles, elevators, agricultural implements, and all articles manufactured wholly or in part from metal, wood, or other material; manufacturers or refiners of sugar, molasses, syrups, or other products; ice and refrigerating companies; slaughter-house, tannery, packing, or canning companies, etc.

**Class D: *Mercantile.***—Including all dealers (not otherwise classed as producers or manufacturers) in coal, lumber, grain, produce, and all goods, wares, and merchandise.

**Class E: *Miscellaneous.***—Such as architects, contractors, hotel, theater, or other companies, or associations, not otherwise classed.

When classified as above indicated the names of the various corporations, companies, and associations will be listed alphabetically, and will be numbered consecutively (commencing with No. 1 in *each* class), and in forwarding returns or papers subsequently rendered or submitted by such corporations or companies collectors will see that the same have placed thereon the designating class letter and number corresponding with those noted on the lists herein required to be furnished.

**Assessment and Notice.**—Upon the receipt and verification of the returns rendered, the tax as ascertained to be due will be assessed as above prescribed; and notice of such assessment will be given and subsequent demand made (if necessary) on Forms 17 and 21, respectively.

In case of failure to make returns within the time and manner required by the statute, or where the return rendered is found or believed to be incorrect, action in such cases will be taken, as provided in paragraph 4 of the law.

The additional tax imposed by paragraph 5 of the law for failure to make the required return, or for making a false or fraudulent return, will in all cases be assessed as therein provided.

**Collection of Tax.**—The tax assessed under the provisions of this act will be collected and will be receipted for on Form 1, as in the case of other assessed taxes. Unless paid within the time fixed by the statute, notice and demand should be at once issued, and, in case of non-payment, distraint proceedings should be instituted without delay.

## **SYNOPSIS OF DECISIONS OF TREASURY DEPARTMENT RELATING TO SPECIAL EXCISE TAX ON CORPORATIONS.**

The Corporation Excise Tax of 1909 is re-enacted and modified by the Income Tax Law of 1913. The following synopsis of decisions of the Treasury Department under the old law is inserted as a guide to the rulings which will probably be made under the new law, in so far as it re-enacts the old:

### **CLASS OF CORPORATIONS, ETC., SUBJECT TO TAX.**

**1. Tax Applies to All Corporations.**—The tax imposed by the act applies to all corporations, joint-stock companies, and associations, and every insurance company except those specifically exempted, without reference to the kind of business carried on.

**2. Return Though Net Income Less Than \$5,000.**—Every corporation, etc., not specifically enumerated as exempt shall make the return required by law, although its net income during the year may not have exceeded \$5,000. (Opin. Atty. Gen., Jan. 24, 1910.)

**3. Exempt Corporations to Make Return.**—Corporations claiming special exemption should nevertheless make return (in blank, if desired) accompanied by a statement setting forth the ground on which exemption is claimed. Failure to receive blanks upon which to make return is no excuse for delinquency in making return, as there is no duty imposed upon the Government to furnish corporations with such blanks.

**4. Charitable Institutions Should File Return.**—Charitable institutions supported by voluntary contributions or State appropriations are held to be exempt from the payment of the special excise tax on corporations, but should file a return in blank as provided in paragraph 3 hereof.

**5. Corporations Organized or Liquidating Within Year.**—Corporations, etc., organized during the year or going into liquidation during the year should nevertheless render a sworn return on the prescribed form. The tax imposed, however, does not apply to corporations which went out of existence prior to the passage of the act (August 5, 1909).

**6. Dissolved Company.**—Where company has dissolved and the required return is not made by its officers, such return will be prepared by commissioner. (T. D. 1736.)

**7. Bankrupt Corporation.**—Where corporation has gone into bankruptcy, returns in such cases to be made by trustee in bankruptcy.

**8. Railroad Companies Operating Leased Lines.**—Railroad companies operating leased or purchased lines to include all receipts derived therefrom, and if bonded indebtedness has been assumed may deduct interest thereon to an amount not exceeding its own paid-up

capital stock. If such subsidiary companies receive income in the way of rentals, etc., return to be also made by such companies.

**9. Income of Domestic Corporations.**—Corporations, etc., organized under the authority of the United States or any State or Territory thereof, or Alaska or the District of Columbia, to include in their returns not only the income derived from the business carried on within the confines of the United States, but income received from business transacted in any foreign country as well.

**10. Subsidiary Companies.**—Corporations having branch or subsidiary companies to include in their returns the income of all such companies when no distinction is made in operating and accounting by reason of the separate incorporation of such subsidiary companies; otherwise a return by each corporation should be made.

**11. Foreign Companies Designate Principal Office, etc.**—Foreign companies having several branch offices in the United States should each designate one of such branches as its principal office and should also designate the proper office to make the required return.

**12. Separate Returns by Consolidated Corporations.**—Where a consolidation of two or more corporations has been effected during the year, and each or any such corporation subsequent to such consolidation collects prior existing debts, each such corporation should make separate return and include therein all such collected debts, as also all income received during the year prior to the date of consolidation.

**13. Principal Place of Business.**—"Principal place of business" is held to mean the principal office where the company keeps its books from which the required return is to be prepared, and not necessarily the place where the operating plant is located.

**14. Calendar Year.**—As the law specifically provides that the tax imposed shall be computed on the net income during each calendar year, returns of income based on any period other than the calendar year cannot be accepted.

**15. Paid-up Capital Stock.**—Full amount of stock, as represented by the par value of the shares issued, to be regarded as the paid-up capital stock, except when such stock is assessable on account of deferred payments in which case the amount actually paid on such shares will constitute the actual paid-up capital stock of the corporation.

**16. Preferred and Common Stock.**—Capital stock held to include both preferred and common stock.

**17. Surplus and Undivided Profits.**—Surplus and undivided profits not to be included in capital stock.

**18. Voting Trusts.**—Holding companies known as "voting trusts," receiving only dividends on stock held, and having no capital stock, etc., not liable.

**19. Mutual Savings Banks.**—Mutual savings banks having no capital stock not liable to tax imposed. (Opin. Atty. Gen., Feb. 14, 1910.)

**20. Co-operative Dairies.**—Co-operative dairies not issuing stock and allowing patrons dividends based on butter fat in milk furnished not liable.

**21. Foreign Steamship Companies.**—Foreign steamship companies having no office in the United States, whose vessels only occasionally touch at ports in the United States, not regarded as doing business in this country within the meaning of the statute.

**22. Companies Organized in Porto Rico.**—Companies organized in Porto Rico and not engaged in business in the United States not subject to tax.

**23. Corporations Owning Plantations.**—Corporations owning sugar or other plantations and disposing of the products thereof not entitled to exemption as agricultural organizations.

**24. Corporations Organized to Sell Provisions.**—Corporations organized to sell provisions, etc., to stockholders and others not exempted.

**25. Corporations Organized for Holding Real Estate.**—Corporations organized for the purpose of holding real estate to make return of income derived from the property so held.

**26. Final Return by Liquidating Corporation.**—Corporations going into liquidation during any tax period may, at the time of such liquidation, prepare a "final return" covering the business done during the fractional part of the year during which they were engaged in business, and immediately file the same with the collector of the district in which the corporation has its principal place of business.

**27. Hail, Storm and Lightning Companies.**—Corporations organized for the purpose of insuring against death, or injury by accident, or against damage to property by hail, storm, or lightning, however maintained, are held to be insurance companies, and unless they may be properly classed as "fraternal beneficiary organizations operating under the lodge system," must make returns of annual net income. (T. D. 1738.)

**28. Agricultural and Horticultural Associations.**—Corporations engaged in agricultural or horticultural pursuits for profit are liable under the law to make returns and to pay the special excise tax thereby shown to be due. Agricultural and horticultural associations specifically enumerated as exempt are held to be such associations as county fairs or like organizations, not themselves engaged in such pursuits, but which, by means of awards, etc., are intended to encourage better production, and no part of whose net income inures to the benefit of any private stockholder or individual. (T. D. 1737.)

**29. Fruit Growers' Associations.**—Fruit growers' associations whose purpose is to promote the mutual benefit of their members in growing, harvesting, and marketing their products, and which are not organized for profit and have no capital stock represented by shares, and whose income is derived wholly from membership fees, dues, and assessments to meet necessary expenses, are not liable.

**30. Corporations Growing Fruits, Vegetables, and Like Products.**—Corporations engaged in growing fruits, vegetables, and like products for profit, and distributing such profits among their members on the basis of the capital invested, are liable and must make returns and pay taxes, if any are found to be due. (T. D. 1737.)

**31. Associations or trusts voluntarily formed by parties at interest and not organized** “under the laws of the United States or of any State or Territory thereof, or of the laws applicable to the District of Columbia or Alaska,” are not corporations within the meaning and intent of the law, and are not liable. (U. S. Supreme Court opinion in *Amory Eliot vs. James G. Freeman et al.*, No. 448.)

**32. National Banks.**—National banks do not come within any of the exemptions named in the act.

**33. Agricultural Organizations.**—“Agricultural organizations” held not to come within the statutory exemption, unless their chief object is the promotion or advancement of agricultural interest, and no part of the net income inures to the benefit of their stockholders.

**34. Mutual Hail Association.**—Mutual hail association regarded as an insurance company and not as an agricultural association, and therefore liable to tax.

**35. Mutual Fire Insurance Companies.**—Exemption in favor of fraternal beneficiary associations does not apply to mutual fire insurance companies.

**36. Limited Partnerships.**—Limited partnerships, if organized for profit and having a capital stock represented by shares, although no “certificates of stock” are issued, are liable to the tax imposed. (Opin. Atty. Gen., Feb. 14, 1910.)

**37. Interest Received on Government Bonds.**—Interest received on government bonds to be included in gross income. (Opin. Atty. Gen., Jan. 13, 1910.)

**38. Returns Verified by Two Officers—Agents for Foreign Steamship Companies.**—Returns should be signed and verified by two of the officers designated in the law. Signing of one person holding two such offices not permitted. Agents for foreign steamship companies may sign the required returns, if so authorized by their companies.

**39. Corporate Seal.**—Returns not required to have corporate seal affixed.

**40. Returns Filed With Deputy Collector.**—Returns filed with deputy collector regarded as having been filed with collector.

**41. Protest.**—No form of protest prescribed. Any form of protest sufficient if filed before payment of tax. Right of protest not to be denied.

### INVENTORIES, ACCOUNTS, ETC.

**42. Supplemental Statement.**—Where an inventory or its equivalent was not taken at the close of the year 1908, a supplemental statement showing such inventory approximately must be submitted with



the return on the regular form. Such supplemental statement shall be verified under oath by the treasurer or principal financial officer submitting the same. (T. D. 1578.)

**43. Profits on Sale of Real Estate—Increase in Value of Unsold Property.**—Profits realized on sale of real estate during the year, also increase in value of unsold property, if taken up on the books of the corporation, to be included in income.

**44. Cost of Manufactured Articles.**—Cost of manufactured articles, or articles in process of manufacture, held to include original cost of materials used plus cost of labor, etc.

**45. Mortgaged Real Estate.**—Mortgaged real estate should be inventoried at its full value and amount of mortgage reported as indebtedness.

**46. Sale of Patent Rights.**—Receipts from sale of patent rights to be included in income.

**47. Bookkeeping.**—No particular system of bookkeeping or accounting will be required by the department. However, the business transacted by corporations, etc., must be so recorded that each and every item therein set forth may be readily verified by an examination of the books and accounts where such examination is deemed necessary.

**48. Increase in Value of Assets.**—Any increase in the value of the capital assets, as determined by a physical revaluation and taken cognizance of by the corporation in book entries, is gain and must be accounted for as income for the year in which such increase is so recognized and recorded.

### **DEDUCTIONS, EXPENSES, ETC.**

**49. Deduction, How Evidenced in Books.**—It is immaterial whether the deductions are evidenced by actual disbursements in cash or whether evidenced in such other way as to be properly acknowledged by the corporate officers and so entered on the books as to constitute a liability against the assets of the corporation, etc., making the return.

**50. Mortgage Indebtedness.**—Mortgage indebtedness on real estate, if assumed by the corporation acquiring such real estate, to be included in the indebtedness of the corporation. But if not so assumed and remains only as a lien on the property, interest paid thereon may be deducted as a charge "made as a condition to the continued use or possession of the property." (Opin. Atty. Gen., Feb. 21, 1910.)

**51. Cost of Erecting Building.**—Cost of erecting building, if included in lease under which property is held by company, is a proper deduction, to be prorated according to time fixed by lease.

**52. General Expenses of Foreign Steamship Companies.**—General expenses, such as coal, ship stores, etc., of foreign steamship companies, to be prorated as provided in act for interest deductions.

**53. Nursery Companies.**—Amount received by nursery companies from sales of trees, etc., less amount expended for seedlings and young trees, to be included in gross income. Amount expended for labor, salesmen, etc., to be deducted as expenses.

**54. Commissions.**—Commissions allowed salesmen, paid in stock, may be deducted as expense if so charged on books.

**55. Sales of Stock and Bonds.**—Sales of stock and bonds are regarded as sales of capital assets and should be so accounted for. (Art. 2, regs. 31.) But proceeds derived from sale of bonds used in defraying ordinary and necessary expenses are a proper deduction in determining the company's net income.

**56. Stock Issued—Notes Issued—Notes Paid.**—Stock issued in payment of property purchased represents capital investments and notes issued during the year represent indebtedness. Corporate funds applied to the payment of outstanding notes not a proper deduction in ascertaining net income.

**57. Additions and Betterments.**—Amounts expended in additions and betterments which constitute an increase in capital investment not a proper deduction.

**58. Dividends Received.**—Dividends received by corporations on stock of other corporations whose net income does not exceed \$5,000 is nevertheless a proper deduction under the law. (Opin. Atty. Gen., Jan. 24, 1910.)

**59. Dividends Received on Stock of Foreign Corporations.**—Dividends received on stock of foreign corporations not subject to tax not a proper deduction.

**60. Dividends Paid Employees.**—Dividends paid employees in lieu of wages not proper deduction as expenses.

**61. Royalties on Patent Rights.**—Royalties on patent rights to be reported as income. Allowance for depreciation of patents expiring during year, however, will be allowed.

**62. Lands Bought Prior to January 1, 1909.**—In the case of lands bought prior to January 1, 1909, and sold during any subsequent year, the profits arising from such sale, if no accounting of increased value of land was made in returns for previous years, should be prorated in accordance with the number of years the land was held by the corporation and the number of years the law was in effect.

**63. Banks Paying Taxes Assessed Against Stockholders.**—Banks paying taxes assessed against their stockholders because of their ownership of the shares of stock issued by such bank cannot deduct the amount of tax so paid in making their return for the special excise tax on corporations.

**64. Pensions to Employees—Donations to Charitable Institutions.**—Amounts paid for pensions to retired employees, or to their families or others dependent upon them, or on account of injuries received by employees, are proper deductions as "ordinary and necessary ex-

penses''; gifts or gratuities to employees in the service of a corporation are not properly deductible in ascertaining net income. Donations made for purposes connected with the operation of the property when limited to charitable institutions, hospitals, or educational institutions, conducted for the benefit of its employees, or their dependents, shall be proper as a deduction under the same head.

**65. Excessive Salaries.**—Where allowances on account of salaries are deemed excessive and for the purpose of evading the tax due, investigation will be made, and if the facts warrant prosecution will follow.

**66. Interest on Deposits.**—Interest paid on time deposits and deposits subject to check constitutes a proper deduction from the amount of gross income during the year.

**67. Interest on Portions of Bonded Indebtedness.**—Interest on portions of bonded or other indebtedness bearing different rates of interest may be deducted from gross income during the year, provided the aggregate amount of such indebtedness does not exceed the paid-up capital stock of the corporation.

**68. Interest on Notes Given Prior to January 1, 1909.**—Interest paid during the year on notes given prior to January 1, 1909, to be prorated. But interest on notes given in 1909, and payable subsequent to December, 1909, unless charged on the company's books, is not a proper deduction from the income of that year.

**69. Deductions Accruing Prior to January 1, 1909.**—Interest, taxes, or other items allowable as deductions, accruing prior to January 1, 1909, are not allowable deductions from the gross income of years subsequent thereto.

**70. Unearned Premiums.**—Unearned premiums set aside by insurance companies as reserve not to be included as income until earned, unless the same shall be entered on the ledger as income during the year in which received.

**71. Insurance Fund.**—Funds set aside by company for insuring their own property not a proper deduction.

**72. Interest on Government Bonds.**—As the tax imposed is measured by and is not a tax upon the net receipts of corporations, etc., interest received during the year on Government bonds is not a proper deduction from such income in determining the amount of tax due. (Opin. Atty. Gen., T. D. 1583.)

**73. State, County, or Municipal Taxes.**—State, county, or municipal taxes paid during the year a proper deduction in ascertaining the net income of corporations.

**74. Import Duties or Taxes.**—Import duties or taxes if included in arriving at cost of goods are not deductible under the head of taxes paid during the year.

**75. Bad Debts.**—Bad debts, if so charged off the company's books during the year, are proper deductions. But such debts, if subsequently collected, must be treated as income.

**76. Net Addition to Reserves.**—The net addition to reserves of insurance companies, required by law, may be based on the highest amount of reserves required by any State in which the insurance company does business. (T. D. 1727.)

**77. Reserves for Taxes.**—Reserves for taxes cannot be allowed, as the law specifically provides that only such sums as are paid within the year for taxes can be deducted. (T. D. 1727.)

**78. Bonds Purchased Above Par.**—Where a corporation or insurance company holds bonds which were purchased at a rate above par, and a proportionate deduction of the value of such bonds is made on its books each year so that the book value shall be the redemption value of the bonds when they become due and payable, the return of annual net income may show the depreciation on account of amortization of such bonds. (T. D. 1727.)

**79. Dividends Declared by Insurance Companies.**—Dividends declared by insurance companies are not deductible from gross income under the guise of rebates or otherwise, and such dividends when applied to the payment of renewal premiums, or to shorten the endowment or premium-paying period, or applied to purchase paid-up additions and annuities, must be considered and accounted for as income. (T. D. 1743.)

**80. Rentals of Railroad Properties Paid Directly to Stockholders.**—Railroad or other corporations which have leased their properties in consideration of a rental equivalent to a certain rate of interest on its outstanding capital stock and the interest on the bonded indebtedness, and such rental is paid by the lessee directly to the stock and bond holders, should, nevertheless, make a return of annual net income showing the rental so paid as having been received by the corporation.

**81. Salaries Paid to Stockholder.**—Salaries paid to an officer who is a stockholder, to constitute an allowable deduction, must be a reasonable and fair compensation for the services rendered, regardless of the amount of stock which such officer may hold, and must have been authorized by the board of directors and made a matter of record on the minute books of the corporation.

**82. "Goodwill."**—"Goodwill" represents the value attached to a business over and above the value of the physical property, and is such an entirely intangible asset that no claim for depreciation in connection therewith can be allowed.

### DEPRECIATION.

**83. Depreciation must be Charged Off.**—Depreciation to be an allowable deduction in the return of annual net income of a corporation must be charged off on the ledger of the corporation, so as to show a reduction in the capital assets of the corporation to the extent of the depreciation claimed.

**84. Depreciation, How Based and Evidenced.**—Deduction on account of depreciation of property must be based on lifetime of property, its cost, value, and use, and must be evidenced by a ledger entry and a

like reduction in the plant and property account with respect to which the depreciation is claimed.

**85. Stocks and Bonds.**—In the case of corporations owning stocks and bonds or other securities, if an annual adjustment of the value of such securities is made and the adjusted values made a matter of ledger entry, the appreciation of such securities as so entered must be accounted for as income, and the depreciation may be deducted from gross income. If no annual adjustment is made, and the securities are carried from year to year as a permanent investment, there will be neither gain nor loss, as to the principal of such securities, until the same shall have been disposed of, when the gain or loss as compared with the original cost shall be prorated, and the amount of such gain or loss apportioned to the years since the incidence of the tax, to wit, January 1, 1909, shall be added to or deducted from the gross income of the year in which the securities were so disposed of.

**86. Increase or Decrease in the Value of Real Estate.**—Where increase or decrease during the year in the value of real estate acquired in previous years, sold or held for sale, is taken up on the books and the rate cannot be accurately determined with respect to individual years, such increase or decrease may be prorated as provided by regulations in cases of sale of capital assets.

**87. Premiums on Stocks and Bonds.**—Premiums on stocks and bonds arbitrarily charged off on the books of a corporation do not constitute a proper deduction on account of depreciation, unless there shall have been an actual shrinkage in value of such stocks and bonds to the extent of the deduction claimed during the year for which the return is made.

**88. Net Income on Uncompleted Contracts.**—Net income on uncompleted contracts may be estimated on the basis of the percentage of the work completed as compared with the contract price of the whole work.

**89. Cost of Drilling Wells.**—Cost of drilling new wells by oil corporations is considered betterments and additions to the capital assets of the corporation. The expense of drilling dry wells may, however, be charged to profit and loss.

**90. Discounts.**—Discounts, other than bank discounts on notes executed by a corporation, should be segregated from the interest item on the return, and should be included under expenses, item 4.

**91. Removal of Timber.**—The mere removal of timber by cutting from timber lands, unless the timber is otherwise disposed of through sales or plant operations, is considered simply a change in form of assets. If said timber is disposed of through sales or otherwise it is to be accounted for in accordance with regulations governing disposition of capital and other assets.

**92. Deduction, How Based.**—Deduction on account of depreciation of property must be based on lifetime of property, its cost, value, and use.

**93. Loss Due to Voluntary Removal of Buildings.**—Loss due to voluntary removal of buildings, etc., incident to improvements is either

a proper charge to the cost of the new additions or to depreciation already provided, as the facts may indicate, but in no case is it a proper deduction in determining net income, except as it may be reflected in the reasonable amount allowable as a deduction for depreciation.

**94. Depreciation of Company's Stock.**—Depreciation of company's stock a loss to the stockholders, but not a loss to the company issuing the same, and therefore not a proper deduction.

### **PUBLICITY.**

**95. Trustee is a Stockholder.**—A person who as trustee or in any other fiduciary relation has the ownership or possessory right to stock in a corporation is a stockholder in such corporation within the equity of the rule set down in Treasury Decision No. 1665, governing the publicity of returns. (Opin. Atty. Gen., Dec. 27, 1910.)

### **DEPRECIATION IN COALS, MINERALS, ETC.**

**96. Two Classes of Gains or Losses.**—In case of corporations whose business consists in part or wholly of mining, producing, and disposing of deposits of nature (ores, coals, and sundry minerals) the conduct of such business will be understood to comprehend two classes of gains or losses, viz.:

(a) The gain or loss resulting from the sale of capital assets, i. e., either the increment, or the loss, arising through possessing over a period of time the investment in the same.

(b) The trading or commercial gain attached to the conduct of the industry, the employment of working capital, the effort and risk involved.

**97. Exhaustion of Deposits and Depreciation of Improvements.**—In the ascertainment of net income deduction will be allowed for depreciation arising from exhaustion of deposits of ore, mineral, etc., and for depreciation and obsolescence of improvements, in accordance with general regulations respecting depreciation allowances, on the basis of the original capital investment cost of the properties concerned to the company reporting.

**98. Unearned Increment.**—A further deduction will also be allowed, through not including the same at all in the item of gross income (item 3, Form 637), for the unearned increment represented in such properties as at January 1, 1909, which will be determined in general as follows:

**99. Estimate as of January 1, 1909.**—An estimate should be made as of January 1, 1909, of the fair market value at that date of the minerals, etc., in deposit. This estimate should be formed on the basis of the disposal value of the minerals *in total* and exclusive of value of improvements and development work. This valuation should also be reduced to a unit value—per ton, pound, etc.

**NOTE.**—Values, as aforesaid, should not be estimated on the basis of the assumed salable value of the output under current operative conditions, less the actual cost of production, because, as hereinbefore stated, the selling price under

such conditions comprehends a profit both for carrying the investment in coals, etc., improvements and working capital, and for conducting operations in respect of production and disposal of product. The value to be determined as stated must be on the basis of the *salable value en bloc* of the entire deposit of minerals and mineralized property owned, exclusive of improvements and development work, if the same were disposed of in that form.

**100. Unit Value.**—The unit value as of January 1, 1909, ascertained as above outlined, would indicate the value to be attached at that date to the capital assets disposed of during any calendar year succeeding. The amount claimed as a deduction from gross income on account of unearned increment shall be shown separately in the deductions from gross income in the return of annual net income.

**101. Manner of Making Estimate.**—The precise detailed manner in which the estimate of value of minerals, etc., as at January 1, 1909, shall be formed, must naturally be determined by each corporation interested. Every corporation claiming and making a deduction for unearned increment, as provided in section 100 preceding, shall maintain an official book record of the properties owned by it in connection with which unearned increment is claimed, and which record shall show the general ledger or general balance sheet value thereof, together with the estimated amount of appreciated value in such properties in excess of general balance sheet values, as of January 1, 1909, together with all evidence and information on basis of which such appreciated value was formed. This estimate must be formed on the lines and basis indicated in the "note," section 99, namely, the salable value of the entire deposit considered *en bloc*. This record should also present clearly and fully the transactions during each year in respect of quantities of minerals disposed of and for which deductions are made respectively for depreciation and unearned increment, together with the amount thereof. *No deduction for unearned increment will be allowed unless the aforesaid record is kept, nor unless the evidence as to the estimates of quantity of minerals in deposit and the valuation thereof are accepted by the department.* Values determined and recorded as of January 1, 1909, as aforesaid, should be used in the compilation of all subsequent years' excise tax returns.

In case it subsequently develops the property possesses a greater quantity of mineral, etc., reserve than was in the aggregate estimated as of January 1, 1909, only such an amount of aggregate value can be assigned to such excess mineral tonnage as of January 1, 1909, as it was at said date estimated by the company attached to the property and was not assigned by it, as hereinbefore provided, to the specified tonnage in the property.

**102. Memorandum Setting Forth Unearned Increment Realized.**—Each excise tax return (Form 637) should be accompanied with memorandum setting forth the extent in amount of the exclusion made from the item gross income for unearned increment realized during the year, as above outlined.

**103. Amount to be Deducted for Depletion of Deposits.**—As to the amount to be deducted for depletion of deposits (Regulation No. 101) is

to be formed on basis of the estimated reserve of minerals, etc., it follows that if it develops such estimate is understated, the cost investment and estimated unearned increment in the capital asset may be wholly extinguished before all mineral reserves are removed. When this is reached, further deductions for exhaustion of minerals should be discontinued.

**104. Royalties on Minerals.**—In case of corporations leasing mines and paying royalties on minerals, etc., removed, the royalties paid are to be treated as expenses and deducted in ascertaining net income, as provided in general regulations. Any leasehold investment which the operating corporation may have in such properties, either through a payment originally made for acquirement thereof or for improvements made upon the property, to be accounted for in accordance with regulations governing depreciation allowances and disposition of capital assets.

**105. Properties Acquired After January 1, 1909.**—In respect to properties of the character in question which may be acquired by a corporation after January 1, 1909, a deduction will be allowed only as to depreciation arising from exhaustion based on original cost; no exclusion from gross income can be made for unearned increment, as profit arising in sale of such capital assets applies wholly to the period subsequent to January 1, 1909.

## DEPLETION OF OIL PROPERTIES.

### Regulations to Govern the Ascertainment of the Rate of Depletion of Deposits and the Return of Cash Investment to Corporations With Respect to Petroleum-producing Properties.

Item 80 of T. D. 1675 is hereby amended by striking out the parenthetical word "petroleum," and the following regulation to govern the rate of return of capital invested on the basis of the rate of depletion of oil-producing properties in making return of annual net income for the special excise tax on corporations is issued in lieu thereof:

**1. Two Classes of Gains or Losses.**—In the case of corporations whose business consists of producing and disposing of crude petroleum, the conduct of such business will be understood to comprehend two classes of gains or losses, viz.: (a) The gain or loss resulting from the sale of capital assets—i. e., either the increment or the loss arising through possessing over a period of time the investment in the same. (b) The trading or commercial gain attached to the conduct of the industry, the employment of working capital, and the effort and risk involved.

**2. Depreciation Arising from Exhaustion.**—In the ascertainment of net income deduction will be allowed for depreciation arising from exhaustion of deposits and for depreciation and obsolescence of improvements in accordance with the general regulations respecting depreciation allowances, on the basis of the original capital investment



cost, reduced to a cash basis of the properties concerned to the company reporting. Claims for depreciation on account of depletion of deposits based on any values other than the cost of the property in cash or cash values (including cost of development) will not be considered.

**3. Average Value Per Barrel.**—In all producing oil fields an average value per barrel of the settled daily production shall be adopted as the guide in determining the value of the property, and the following method in depreciating said values is recommended:

**Valuation Per Barrel, How Fixed.**—Each corporation will fix this valuation per barrel as of January 1, 1909, or upon the date of commencement of production, if after that date, for ascertaining the deductions for depreciation on the basis of depletion of deposits. This valuation per barrel should be based on the cost of the property to the corporation plus the cost of the development thereof, with a proper deduction from that valuation for the number of years the property has been in operation, and the resulting proportioned decrease in daily production of oil. With this basis per barrel fixed as of January 1, 1909, or at the date of commencement of production, if after January 1, 1909, the value of the property as a whole is to be determined by applying his unit value per barrel to the daily average production for the month of December, or other representative month, in the year for which the return is made. The representative month chosen shall be the same in each year. This unit valuation per barrel is to be retained in arriving at all future depreciation deductions, except where an additional production is secured by drilling or an additional production is acquired by purchases, in which cases a new average rate per barrel based upon the actual cash invested in such development, or in the new properties and their development, may be adopted. The amount of income each year to be applied to the return of the cash investment shall be ascertained by multiplying the unit valuation ascertained as required above by the difference between the daily average production in barrels during the representative month of each year. The product of such multiplication will be the amount deductible from gross income on account of return of cash investment based upon the rate of depletion of deposits.

**4. Cost of Drilling.**—The cost of drilling and equipping new producing wells shall be considered additions to capital investment account; the expense of drilling dry holes may be charged to profit and loss.

**5. Amount of Petroleum Produced.**—The amount of petroleum produced and sold during the year or the price received for the same will not, so far as the application of this regulation to determine depreciation is concerned, affect the value of the property at the end of the year, which value is based only on the comparative rate of decrease in production in accordance with the standard unit value ascertained as stated above.

**6. Memorandum.**—Each excise tax return should be accompanied with a memorandum showing how the standard unit valuation was

arrived at, i. e., the valuation of the producing property as of January 1, 1909, or at the commencement of development, if after that date, and such additional investment in development as may have been made during the year, together with the daily average yield for each month of the year, or for each month since the commencement of operation, if subsequent to January 1, 1909.

**7. Cost of the Leasehold Interest.**—Where properties are operated upon lease, the cost of the leasehold interest, plus the cost of development, shall be the basis for determining the unit valuation for the purpose of providing for the deduction from gross income of the returnable cash investment.

**8. Entries on the Books.**—All depreciation deductions from the net income return must be evidenced by proper entries on the books of the corporation reporting, so as to show a reduction in the capital assets equal to the cash investment returned, as provided above, out of gross income.

NOTE.—It will be apparent that by following the plan suggested, the value of the producing property appearing in the capital assets of the company will be automatically and wholly extinguished coincident with the complete exhaustion of the product, with the exception of such salvage as may remain after said exhaustion.

## DEPLETION OF NATURAL GAS PROPERTY.

### Regulation to Govern the Ascertainment of the Rate of Depletion of Deposits and the Return of Cash Investment to Corporations With Respect to Natural Gas-producing Properties.

Item 80 of T. D. 1675 is hereby amended by striking out the parenthetical word "gas," and the following regulation to govern the return of capital invested in gas-producing properties on the basis of the rate of depletion of deposits in making return of annual net income for the special excise tax on corporations is issued in lieu thereof:

**1. Two Classes of Gains or Losses.**—In case of corporations whose business consists of either producing, selling, transporting, or distributing natural gas, the conduct of such business will be understood to comprehend two classes of gains or losses, viz.: (a) The gain or loss resulting from the sale of capital assets—i. e., either the increment or the loss arising through possessing over a period of time the investment in the same; (b) the trading or commercial gain attached to the conduct of the industry, the employment of working capital, the effort and risk involved.

**2. Depreciation of Investment in the Field.**—In the ascertainment of net income, deductions will be allowed for depreciation of investment in the field and main lines of such corporations on the basis of exhaustion of deposits.

Claims for depreciation on account of depletion or depreciation in accordance with the regulations based on any value other than the cost of the property plus the cost of development will not be allowed.

**3. Gauging Depreciation.**—For the purpose of enabling corporations engaged in the production and transportation of natural gas to properly gauge depreciation of investment in the field and main line divisions on account of depletion to be deducted each year in making their annual return of net income, the following methods are recommended:

*First. Producing Gas Area Laid Off.*—That the producing gas area of said company be laid off in squares not exceeding one square mile, and that three months prior to September 30th of each year, one or more representative wells be shut in in each square or territory, and that as of September 30th an accurate gauge be taken of the rock pressure of said wells, and the decline in the average rock pressure from year to year shall be considered as the base of determining the exhaustion of deposit. For instance, a corporation may have eighty square miles of territory and the average rock pressure September 30, 1909, may have been six hundred pounds per square inch. On September 30, 1910, the average rock pressure may have been five hundred and forty pounds, or a decline of ten per cent, and this percentage is to be applied as a basis of depreciation for the year 1910 on the cost of the field and main line divisions, less depreciation charged off prior to that date and any salvage value that may remain in the property.

*Second. "Volume Basis."*—If by reason of lack of area or for any other good and sufficient reason any corporation engaged in the production of gas shall prefer the "volume basis" as more accurately reflecting the rate of exhaustion of deposits, the amount of capital invested to be returned out of the income of any given year may be determined on that basis. In case the "volume basis" is adopted, the volume of each well must be taken with instruments generally recognized as reliable for determining the daily volume produced by each well at stated periods each year, and the percentage of loss in daily production shall determine the percentage of the capital investment which shall be returnable out of gross income and the proper deduction to be made each year in the return of annual net income as return of capital invested.

**4. Unreturned Cash Investment.**—Any unreturned cash investment remaining when wells or territory have to be abandoned or lines taken up because of failure of the supply of gas, less salvage, may be deducted as part of the reasonable depreciation for the year in which such territory is abandoned unless such values shall have been returned in the reduction made because of loss of volume or decrease in rock pressure, which in such case would be considered as having reached the vanishing point.

**5. Investment Cost.**—The investment cost of properties reduced to a cash basis to natural gas companies in the distributing or city plant divisions shall be depreciated in accordance with the general regulations and in no instance shall exceed five per cent per annum.

**6. Cost of Drilling.**—The cost of drilling gas wells has been held by competent authorities as properly chargeable to either investment or expense. While it is preferred that the cost of drilling wells be

charged to investment, the general custom of producers of natural gas in charging the cost of the drilling to expense will be recognized, and returns of net income may be made in accordance therewith. Each return of annual net income should in such case state that the expense of drilling gas wells has been charged to expense. All other expenditures in tangible property in development work shall be chargeable to capital assets.

**7. General Custom.**—The general custom of natural gas companies in the distribution of the cost of drilling wells will be recognized, and the return of net income may be made in accordance therewith.

**8. Memoranda.**—Each excise tax return should be accompanied by memoranda showing how the depreciation deduction for the year has been arrived at—i. e., the cost of the property in field and main lines, the result of gauges of rock pressure or measurement of volume, and in addition the investment in city plants.

**9. Depreciation Deductions Evidenced by Proper Entries.**—All depreciation deductions made in the return of annual net income must be evidenced by proper entries on the books of the corporation reporting, so as to show a reduction in the capital assets equal to the cash investment returned, as provided above, out of gross income.

**NOTE.**—By following the plan suggested each corporation engaged in the production and sale of natural gas will secure the return of the total cash investment, less salvage, in field and main line developments by the time the deposits have been exhausted.

ROYAL E. CABELL, Commissioner.

## INSPECTION OF RETURNS.

**Inspection of Returns.**—By section 38 of the tariff act of August 5, 1909, Congress imposed a special excise tax upon all corporations, joint-stock companies, and associations and insurance companies, foreign and domestic, with certain exceptions, engaged in business in the United States, with respect to carrying on or doing such business, and prescribed the method of handling the return of each corporation, as follows:

6. When the assessment shall be made, as provided in this section, the returns, together with any correction thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such.

In the act making appropriations for the legislative, executive, and judicial departments of the government for the fiscal year ending June 30, 1911, there appears this language:

“For classifying, indexing, exhibiting, and properly caring for the returns of all corporations, required by section thirty-eight of an act entitled ‘An act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes,’ approved August fifth, nineteen hundred and nine, including the employment, in the District of Columbia, of such clerical and other personal ser-

vices and for rent of such quarters as may be necessary, twenty-five thousand dollars: *Provided*, that any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President."

For the purpose of making effective the legislative intent thus expressed, the President has ordered that all such returns shall be open to inspection under the following rules and regulations:

**1. Inspection by an Officer or Employee of the Government.**—The return of every corporation shall be open to the inspection of the proper officers and employees of the Treasury Department. Where access to any return is desired by an officer or employee of any other department of the government, an application for permission to inspect such return, setting out the reasons therefor, shall be made in writing, signed by the head of the executive department or other government establishment in which such officer or employee is employed, and transmitted to the Secretary of the Treasury. If, however, the return is desired to be used in any legal proceedings, or to be used in any manner by which any information contained in the return could be made public, or access to any return is desired by any official of any State or Territory of the United States, the application for permission to inspect such return shall be referred to the Attorney General, and if recommended by him transmitted to the Secretary of the Treasury.

**2. Inspection by Stockholder.**—The Secretary of the Treasury, at his discretion, upon application to him made, setting forth what constitutes a proper showing of cause, may permit inspection of the return of any corporation by any *bona fide* stockholder in such corporation. The person desiring to inspect such return shall make application, in writing, to the Secretary of the Treasury, setting forth the reasons why he should be permitted to make such inspection, and shall attach to his application a certificate signed by the president, or other principal officer, of such corporation, countersigned by the secretary, under the corporate seal of the company, that he is a *bona fide* stockholder in said company. (Where this certificate cannot be secured, other evidence will be considered by the Secretary of the Treasury to determine the fact whether or not the applicant is a *bona fide* stockholder and therefore entitled to inspect the return made by such company.) The privilege of inspecting the return of any corporation is personal to the stockholders, and the permission granted by the Secretary to a stockholder to make such inspection cannot be delegated to any other person.

**3. Returns Open to Any Person.**—The returns of the following corporations shall be open to the inspection of any person upon written application to the Secretary of the Treasury, which application shall set forth briefly and succinctly all facts necessary to enable the secretary to act upon the request:

(a) The returns of all companies whose stock is listed upon any duly organized and recognized stock exchange within the United

States, for the purpose of having its shares dealt in by the public generally.

(b) All corporations whose stock is advertised in the press or offered to the public by the corporation itself for sale. In case of doubt as to whether any company falls within the classification above, the person desiring to see such return should make application, supported by advertisements, prospectus, or such other evidence as he may deem proper to establish the fact that the stock of such corporation is offered for general public sale.

**Returns Seen Only in Office.**—Returns can be seen only in the office of the Commissioner of Internal Revenue, in Washington, D. C. In no case shall any collector, or any other internal revenue officer outside of the Treasury Department in Washington, permit to be seen any return or furnish any information whatsoever relative to any return or any information secured by him in his official capacity relating to such return.

**No Copy Furnished.**—No provision is made in the law for furnishing a copy of any return to any person, and no copy of any return will be furnished except to the corporation making the return, or its duly constituted attorney.

The provisions herein contained shall be effective on and after the 25th day of November, 1910.

FRANKLIN MacVEAGH,  
Secretary of the Treasury.

Approved:

WM. H. TAFT,

The White House, November 25, 1910.

#### EXECUTIVE ORDER.

Pursuant to the provisions of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes," providing, among other things, an appropriation for classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section thirty-eight of an act entitled "An act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes," approved August 5, 1909, and further enacting that any and all such returns shall be open to inspection only upon the order of the President under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President (36 I Stat., 494),

*It is hereby ordered:* That all such returns shall be subject to inspection upon compliance with rules and regulations prescribed by the Secretary of the Treasury and approved by the President, bearing even date herewith.

WM. H. TAFT.

The White House,  
November 25, 1910.

**ABATEMENT OR REFUNDING OF PENALTIES.**

**Abatement or Refunding of Penalty Taxes on Corporations Under Certain Conditions.**—Any corporation, joint-stock company, association, or any insurance company subject to the special excise tax provided by section 38 of the act of August 5th, 1909, known as the special excise corporation tax law, which has been or may be compelled to pay or become liable for any additional tax within the provisions of subsection 5 of said section 38, which additional tax has been or may hereafter be imposed for a neglect to file a return as provided in said corporation tax law on or before the 1st of March of any year, may, within one year after the passage of this act, or within one year after the date of notice of assessment where such notice is given after the passage of this act, make application to the Commissioner of Internal Revenue for a refund of such additional tax. And the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, is hereby directed to remit, abate, or pay back all such additional taxes in excess of \$100 for any single year whenever in any case it appears to his satisfaction that the additional tax was assessed or imposed solely because of a neglect to make a return at the time or times specified in said act, and without any intention or design on the part of any officer of such corporation, joint stock company, association, or insurance company to hinder or delay the United States in the collection of the tax originally assessed.

**Regulation.**—Claims for abatement or refunding under the provisions of the foregoing act shall be made on Forms 47 or 46, respectively, executed in the usual manner and filed with the collector of the district in which the claimant was assessed or paid its tax, to be by him entered on his record and certified to the Commissioner of Internal Revenue. Such claims should be accompanied by an affidavit of its president, vice-president, or other principal officer, and its treasurer or assistant treasurer, stating specifically that the neglect to make the annual return of the claimant at the time required by law was without any intention or design on the part of any officer of such claimant to hinder or delay the United States in the collection of the tax originally assessed, and setting forth in detail the cause or causes which produced the delay in filing the said annual return in the time and manner prescribed by law.

**ABATEMENT OF ASSESSMENTS OR THE REFUNDING OF TAXES CLAIMED UNDER THE DECISION OF THE UNITED STATES SUPREME COURT IN THE CASE OF McCOACH, COLLECTOR, v. MINEHILL ETC. RAILROAD CO.**

**Evidence Required.**—In computing claims for the refunding of special excise taxes paid for the years 1911 and 1912, based upon the principle affirmed by the Supreme Court in the case of McCoach, Collector, vs. Minehill and Schuylkill Haven Railroad Co., all similar claims it will be necessary for the claimant to file therewith—

1. A copy of or citation to the laws of the State and all amendments thereto under which it was organized and executed its lease showing definite authority to lease.

2. A duly authenticated copy of its charter or articles of association, with all amendments thereto.

3. Certified copies of all its leases, agreements, or deeds of conveyance whereby it transferred its property and rights to another, with all amendments and contracts of every kind relative thereto.

4. An affidavit, duly executed by its president or other chief officer and secretary or treasurer, showing, if such be the facts: (a) That the lease of its property covers and conveys all of its franchises, rights, powers, and privileges, other than the right of being a corporation, and all of its property both real and personal essential to its corporate business; (b) specifying in detail what other source of income it has, how such income is received, and what disposition is made of the same; (c) whether either the lessor or lessee company owned or owns any stock of the other, and if so the amount of such stock and of the dividends accrued or paid thereon for the years the taxes were assessed; (d) where it maintains an office and what dividends and other receipts it distributes, the exact character of business it transacts, and what officers act for it and the functions they perform; (e) that during the taxing year or years in question the corporation did not exercise its power of eminent domain or put in force any other general or special corporate power vested in it in aid of the business of its lessee, or in the transaction of any other character of business whatever for the doing of which it was primarily incorporated, organized, or authorized.

Respectfully,

W. H. OSBORN, Commissioner.

## **TAXATION FOR STATE PURPOSES.**

(Constitutional Provisions.)

**Subjects Taxed Exclusively for State Purposes.**—Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping-car, dining-car, drawing-room car, and palace-car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided.

**"Company" Defined.**—The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.



(a) **Public Service Corporations, How Taxed.**—All railroad companies, including street railways, whether operated in one or more counties; all sleeping-car, dining-car, drawing-room car, and palace-car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads of this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State.

**Gross Receipts from Interstate Business.**—When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

**Percentages on Gross Receipts.**—The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping-car, dining-car, drawing-room car, palace-car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent.

**In Lieu of Other Taxes and Licenses.**—Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided.

**Exception.**—Provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

(b) **Tax on Insurance Companies.**—Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one-half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this state;

**Specific Deductions.**—Provided, that there shall be deducted from said one and one-half per cent upon the gross premiums the amount

of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided.

**Retaliatory Laws.**—Provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other State or country doing business in this State.

(c) **Tax on State and National Banks.**—The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other State and located in this State, shall be assessed and taxed to the owners or holders thereof by the State board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its *pro rata* of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its *pro rata* of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided.

**Deduction of Real Estate.**—In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes.

**Liability for Tax.**—The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

**Tax on Unincorporated Banks and on Branches and Agencies of Foreign Banks.**—The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such

banks or bankers by the said board of equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision.

**Deduction of Real Estate.**—The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes.

**In Lieu of Other Taxes and Licenses.**—Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision.

**Method of Determining Value.**—In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

**"Banks" Defined.**—The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) **Tax on Franchises.**—All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(e) **Distribution of Receipts.**—Out of the revenues from the taxes provided for in this section, together with all other State revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State university.

**Deficiency in State Revenues.**—In the event that the above-named revenues are at any time deemed insufficient to meet the annual expenditures of the State, including the above-named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for State purposes, on all the property in the State, including the classes of property enumerated in this section, sufficient to meet the deficiency.

**Bonded Debts.**—All property enumerated in subdivisions a, b and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, town, township or district, before the adoption of this section. The taxes so paid

for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for State purposes.

(f) **Duty of Legislature.**—All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof.

**Change of Rates.**—The rates of taxation fixed in this section shall remain in force until changed by the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof.

**Lien of Taxes.**—The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter.

**Period for Gross Receipts.**—The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March.

**Proviso.**—Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature.

**Reimbursement of Counties and Districts.**—Until the year 1918 the State shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for State purposes only.

(g) **No Injunction Until Tax is Paid.**—No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law.

## STATUTORY PROVISIONS.

(Legislative Enactments, 1911-1913.)

**Subjects Taxed Exclusively for State Purposes.**—Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping-car, dining-car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel, or stage line in this State;

telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be assessed and levied by the state board of equalization, and collected in the manner hereinafter provided.

**"Company" Defined.**—The word "company" and the word "companies" as used in this act shall include persons, partnerships, joint-stock associations, companies, and corporations.

**Public Service Corporations, How Taxed.**—All railroad companies, including street railways, whether operated in one or more counties; all sleeping-car, dining-car, drawing-room car and palace car companies, all refrigerator, oil, stock, fruit, and other car-loaning, and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel, or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State.

**Gross Receipts from Interstate Business.**—When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

**Percentages on Gross Receipts.**—The percentages above mentioned shall be as follows: On all railroad companies, including street railways four and three-fourths per cent; on all sleeping-car, dining-car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning, and other car companies four per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, four and two-tenths per cent; on all companies engaged in the transmission or sale of gas or electricity, four and six-tenths per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property above enumerated of such companies except as otherwise provided in section 14 of article 13 of the constitution of this State, and as provided in section 22 of article 4 of said constitution.

**"Municipal" Defined.**—The word "municipal" as used in this act shall apply to incorporated towns and cities formed under article 11 of the constitution of this State and to none other.

**Tax on Insurance Companies.**—Every insurance company or association doing business in this State shall annually pay to the State a tax of one and three-fourths per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; provided, that there shall be deducted from said one and three-fourths per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this State.

**Retaliatory Clause.**—Provided, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed by the insurance commissioner upon insurance companies of such other State or country doing business in this State.

**Tax on State and National Banks.**—The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other State and located in this State, shall be assessed and taxed to the owners or holders thereof by the State board of equalization, in the manner hereinafter provided, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its *pro rata* of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its *pro rata* of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon such shares of stock and upon the property of such bank, except county and municipal taxes on real estate and except as otherwise provided in the constitution of this State.

**Deduction of Real Estate.**—In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time hereinafter provided, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

**Tax on Unincorporated Banks and on Branches and Agencies of Foreign Banks.**—The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the same manner as above provided for incorporated banks, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this section. In the case of a branch, an agency, or other representative of any bank doing business outside of this State, the capital of said branch, agency, or representative used in this State shall be taken to be the average amount owed by the said branch, agency, or representative to the bank of which it is a branch, agency, or representative during the year ending the first Monday in March.

**Deductions of Real Estate.**—The value of said property shall be determined by taking the entire property invested in such business, together with all reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank or banker and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of the banks and bankers mentioned in this section, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this State.

**Items Assessed.**—All moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in this section. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this section, the said State board of equalization shall include and assess to such banks all property and everything of value owned or held by them which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

**"Banks" Defined.**—The word "banks" as used in this act shall include banking associations, unincorporated banks and bankers, branches, agencies or other representatives of any banks doing business outside of the State of California, savings and loan societies, and such trust companies, as conduct the business of receiving money on deposit, but shall not include building and loan associations.

**Tax on Franchises.**—All franchises, other than those of the companies mentioned in sections 2, 3 and 4 of this act, shall be assessed at their actual cash value, after making due deduction for goodwill, in the manner hereinafter provided, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

**"Franchises" Defined.**—These franchises shall include the actual exercise of the right to be a corporation and to do business as a cor-

poration under the laws of this State and the actual exercise of the right to do business as a corporation in this State when such right is exercised by a corporation incorporated under the laws of any other State or country, also the right, authority, privilege, or permission to maintain wharves, ferries, toll roads, and toll bridges, and to construct, maintain or operate, in, under, above, upon, through or along any streets, highways, public places, or waters, any mains, pipes, canals, ditches, tanks, conduits or other means for conducting water, oil, or other substances.

**Municipal Charges for Special Franchises not Released.**—Nothing in this act shall be construed to release any company from the payment of any amount agreed to be paid or required by law to be paid, now or hereafter, for any special privilege or franchise granted by any of the municipal authorities of this State.

**"Gross Receipts from Operation" Defined.**—The term "gross receipts from operation" as used in section 2 of this act is hereby defined to include all sums received from business done within this State, during the year ending the thirty-first day of December last preceding, including the company's proportion of gross receipts from any and all sources on account of business done by it within this State, in connection with other companies described in section 2 of this act.

**Interstate Business.**—In case of companies operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and the proportion based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into or out of this State.

**No Deductions Allowed.**—No deduction shall be allowed from the gross receipts from operation for commissions, rebates, or other repayments, except only such refunds as arise from errors or overcharges; nor shall any deduction be allowed for payments from gross receipts to other companies for any purpose whatsoever, except such refunds as arise from errors or overcharges.

**Income not Included.**—Income derived from property not defined in this act as operative property shall not be included in the gross receipts for the purpose of determining the tax on the property and franchises provided for in section 2 of this act.

**"Operative Property" Defined.**—1. The term "operative property" as used in this act shall include:

(a) **Of Railroads.**—In the case of railroad companies, including street railways: The franchises, roadway, roadbed, rails, rolling stock, rights of way, sidings, spur tracks, switches, signal systems, cranes and structures used in loading and unloading cars, fences along the right of way, poles, wires, conduits, power lines, piers, used exclusively in the operation of the railroad business, depot grounds and buildings, ferry boats, tugs and car-floats used exclusively in the operation of the railroad business; machine-shops, repair-shops, round-houses, car barns, power-houses, substations, and other buildings,



used in the operation of the railroad business and so much of the land on which said shops, houses, barns, and other buildings are situate as may be required for the convenient use and occupation of said buildings.

(b) **Of Car Companies.**—In the case of sleeping-car, dining-car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning, and other car companies operating upon railroads in this State: The franchises, cars, and other rolling stock.

(c) **Of Express Companies.**—In the case of companies doing express business on any railroad, steamboat, vessel, or stage line in this State: The franchises, cars, trucks, wagons, horses, harness, and safes.

(d) **Of Telegraph and Telephone Companies.**—In the case of telegraph and telephone companies doing business in this State: The franchises, rights of way, poles, wires, pipes, conduits, cables, switchboards, telegraph and telephone instruments, batteries, generators, and other electrical appliances, and exchange and other buildings used in the telegraph and telephone business and so much of the land on which said buildings are situate as may be required for the convenient use and occupation of said buildings.

(e) **Of Gas and Electric Companies.**—In the case of companies engaged in the transmission or sale of gas or electricity: The franchises, towers, poles, wires, pipes, canals, tunnels, ditches, flumes, aqueducts, conduits, rights of way, dams, reservoirs, water and water rights used exclusively in the business of the transmission or sale of gas or electricity; transformers, substations, gas-holders, gas and electric generators, switches, switchboards, meters, electrical and gas appliances, oil tanks, power plants, power-houses, and other buildings and structures used in the operation of the business of the transmission or sale of gas or electricity and so much of the land on which said buildings and structures are situate as may be required for the convenient use and operation of said buildings.

**Of All Classes of Companies.**—Provided, that the operative property of the companies enumerated in this section, shall also include any other property not above enumerated that may be reasonably necessary for use by said companies exclusively in the operation and conduct of the particular kinds of business enumerated in section 2 of this act.

**Operative Property Exempt from Local Taxation.**—The operative property mentioned in subdivisions (a), (b), (c), (d), and (e), of this section shall not be subject to taxation for county, municipal, or district purposes except as otherwise provided for in the constitution and laws of this State.

**Property in Divided Use.**—Provided, however, that when any piece or parcel of property in this State owned by any of the companies mentioned in section 2 of this act is used partially by such company for any use reasonably necessary to the operation of any of the lines of business enumerated in section 2 of this act, and such property is also partially rented to or used by others or is partially used by the company for some other lines of business not among those so enumerated, or for purposes not reasonably necessary to the opera-

tion of any of said enumerated lines of business, it shall be considered operative property in that proportion only which that part of the property mentioned in this proviso used by the company in the operation of any of said enumerated lines of business bears to the whole of the property mentioned in this proviso.

2. **Plants Under Construction.**—Any property of the classes mentioned in this section owned by a company constructing a new railroad, street railway, telegraph or telephone system, or plant or system for the transmission or sale of gas or electricity, no part of which new road, line, plant, or system is in operation, and the same classes of property when held by an operating company solely for the construction of a new railroad or railway line, a new telegraph or telephone system, or a new plant or system for the transmission or sale of gas or electricity, and not to be used for betterments or additions to roads, lines, plants, or systems already under operation, shall not be considered operative property and shall be subject to assessment and taxation for county, municipal, and district purposes. Any part of such property of any company mentioned in this section shall be classed and assessed as operative property when the State board of equalization shall determine that such property is rendering a substantial public service.

3. **When No Service is Rendered to Public.**—When any property in this State belonging to a company of the classes named in this section is rendering no service to the public in this State, even though it may be rendering service to the public in some other state or states, such property shall not be considered as operative property, and shall be subject to assessment and taxation for county, municipal, and district purposes.

4. **State Board to Issue Instructions on Operative Property.**—The State board of equalization shall have power to make rules and issue instructions not inconsistent with the constitution and laws of this State for the guidance of assessors in determining what is operative property and what is nonoperative property of companies named in this section.

**Report of Public Service Companies.**—Such person or officer, as the State board of equalization may designate, of each of the companies mentioned in section 2 of this act, shall within ten days after the first Monday in March of each year, file with the said board a report signed and sworn to by one or more of said persons or officers, showing in detail for the year ending the thirty-first day of December last preceding, the various items as follows:

1. **Name of Company.**—The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what State, territory or country organized, the nature of its business, the location of its principal place of business, the names and postoffice addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this State, the name and postoffice address of its chief officer or managing agent in this State, and the names and addresses of all

subsidiary companies whose property and business are operated by it and the names and addresses of any company of which it may be subsidiary.

**2. Property to be Reported.**—Each of the companies mentioned in section 2 of this act shall report, in such detail as the State board of equalization shall prescribe, all of its property in this State which comes under the definition of operative property in section 8 of this act. When any such company operates both within and without this State it shall report the mileage over which it operates both within and without this State. It shall also report the location of said property within this State by counties, cities and counties, municipalities, and districts, in such manner and in such detail as said board of equalization shall prescribe. It shall also, at the same time, furnish a duplicate of the report covering so much of said property as is located in any county, city and county, municipality, or district, to the assessor of the county, city and county, city, or district in which such property is located.

**Maps to be Filed.**—The State board of equalization may require the filing in its office of maps descriptive of all the operative property of any such companies, and may prescribe the form and size of such maps and the details to be shown therein, and may require that similar maps descriptive of the operative property within each county, city and county, municipality, or district, shall be filed in the assessor's office in each county, city and county, city, or district in which any of said property is located.

**3. Capital Stocks.**—The amount of capital stock issued, and the amount of money received therefor, showing separately the capital stock issued and the money received therefor of the operating company and of each subsidiary company in this State.

**4. Dividends.**—The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the State board of equalization may determine, those of the operating company and of each subsidiary company in this State to be shown separately.

**5. Funded and Other Debts.**—The funded and floating debts and the rate of interest thereon, showing separately the debts of the operating company and of each subsidiary company in this State, on the thirty-first day of December last preceding.

**6. Market Value Stock and Bonds.**—The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the State board of equalization shall prescribe.

**7. Improvements.**—The amounts expended for improvements during the year ending the thirty-first day of December last preceding, how expended and the character of the improvements.

**8. Gross Receipts.**—The gross receipts from operation within this State for the year ending the thirty-first day of December last preceding, the gross receipts from such classes of business as the State board of equalization may designate, to be reported separately; also,

where the property and business are partly within and partly without this State, the gross receipts for said period on all business beginning and ending entirely within this State, and that proportion of the gross receipts from all business passing through, into, or out of this State, which the mileage within this State bears to the total mileage over which such interstate business is done as further defined in section 7 of this act.

9. **Operating Expenses.**—The operating and other expenses.

10. **Profit and Loss.**—The balances of profit and loss, between such periods as the State board of equalization may determine.

11. **Other Matters.**—Such other matters as the State board of equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section 14 of article 13 of the constitution of this State.

**Subsidiary Companies to be Included in Report.**—Each such company shall include in its report the property and business of all subsidiary companies as that term is hereinafter defined in this section, whose property and business are operated by it, whether by virtue of a lease, an operating contract or agreement, or by virtue of control through the ownership of stock or otherwise, even though such subsidiary companies maintain an independent legal existence and separate accounts.

**"Subsidiary Companies" Defined.**—The term "subsidiary company" is hereby defined as applying to a company which is merged in the operating system of an operating company in any of the ways above stated, whose property and franchises would be taxable under section 2 of this act if the same were operated independently. No separate report need be rendered by a subsidiary company whose property, franchises, and operations are fully and completely covered by the report of an operating company, unless the State board of equalization shall deem such a separate report necessary.

**Separate Reports of Certain Subsidiary Companies.**—Each such company operating the property and business of a subsidiary company in some line of business to which a different percentage of the gross receipts is applied by section 2 of this act from that applied by said section 2 to the gross receipts of the operating company, shall report such receipts of the subsidiary company separately.

**Assessor to Report to State Board Property Improperly Claimed as Operative Property.**—If any assessor finds in the report of the operative property in his county, city and county, municipality, or district, furnished to him by any of the companies as required in section 9 of this act, any piece or parcel of property which he regards as non-operative property, or partially operative and partially nonoperative, he shall, within thirty days after receiving such report, notify the State board of equalization thereof by mail, which notice shall contain a general description of the property and the assessor's reasons for regarding the same as nonoperative property.

**Notice to Company.**—He shall also mail a copy of the notice to the company whose property is involved.

**State Board to Investigate.**—The said board shall investigate the nature of the property and its use, and, if an agreement between the said board, the assessor, and the company as to the proper classification of such property cannot be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented.

**Hearing and Decision by State Board.**—At such hearing the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or nonoperative or in what proportion operative and in what proportion nonoperative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officer of any city affected thereby. Said decision shall be binding upon all parties, the State, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment-roll, and must assess such property accordingly.

**State Board to Report to Assessor and Company Property Improperly Claimed as Operative Property.**—If the State board of equalization shall find in the report of operative property furnished to said board by any company under the provisions of section 9 of this act, any piece or parcel of property which said board regards as non-operative property, or partially operative and partially nonoperative, the board shall, within thirty days after receiving such report, notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same as nonoperative. It shall also mail a copy of the notice to any assessor in whose county, city and county, municipality, or district the property is located. If an agreement between the said board, the assessor, and the company as to the proper classification of such property cannot be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented.

**Hearing and Decision by State Board.**—At such hearing the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or nonoperative, or in what proportion operative and in what proportion nonoperative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officer of any city affected thereby. Said decision shall be binding upon all parties, the State, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment-roll and must assess the property accordingly.

**Insurance Commissioner to Report.**—The insurance commissioner of this State must on or before the last day of March in each year, make and file with the State board of equalization a report showing:

statement of any condition, obligation, or burden imposed upon such franchise, or under which the same is enjoyed, and containing also: .

1. **Name.**—The name of the company, its nature, whether a person or persons, a partnership with names of partners, an association, or corporation, and under the laws of what State, Territory, or country organized, the nature of its business, the location of its principal place of business, the names and postoffice addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this State, the name and postoffice address of its chief officer or managing agent in this State, and the names and addresses of all subsidiary companies whose property and business are operated by it.

2. **Capital Stock.**—The amount of its authorized capital stock, the amount thereof issued and outstanding on the first Monday in March, and the amount paid in thereon or the value of the property received therefor.

3. **Funded and Other Debts.**—The funded and floating debts and the interest paid thereon showing separately the debts of the operating company and of any subsidiary companies in this State on the thirty-first day of December last preceding.

4. **Market Value Stocks and Bonds.**—The market value of the stock and of the outstanding bonds, or, when said stocks or bonds have no market value, the actual value thereof, for such periods and for such dates as the State board of equalization shall prescribe.

5. **Assessed Value of Property.**—The assessed value of its property as shown by the last completed assessment-roll in each county, city and county, and city in the State for the purposes of taxation, and if any property of such corporation be assessed and taxed outside of the State of California the place where assessed, the amount of such assessment and taxes there paid the current fiscal year.

5a. **Actual Value of Nonassessable Property.**—The market and actual value of all nonassessable real and personal property owned by such company.

5b. **Actual Value of Property Owned.**—The amount and actual value of all of said real and personal property referred to in the last two preceding sections, that is owned and possessed by the company at the date of its report; also, the amount and actual value of any other and additional real or personal property owned by the company at the date of said report.

6. **Dividends.**—The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the State board of equalization may determine. Those of the operating company and of each subsidiary company in this State to be shown separately.

7. **Gross Receipts.**—The gross receipts from all sources for the year ending the thirty-first day of December last preceding, from the entire property and business, the gross receipts from such classes of business as the State board may designate, to be reported separately; also, the total gross receipts from intrastate business and from interstate busi-

ness so far as the same relate to this State, the same to be separately stated.

8. **Operating Expenses.**—The operating and other expenses.

9. **Profit and Loss.**—The balances of profit and loss, between such periods as the State board of equalization may determine.

10. **Other Matters.**—Such other matters as the State board of equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section 14 of article 13 of the constitution of the State.

**State Board to Assess Franchises.**—The State board of equalization shall ascertain and determine from the foregoing reports or from the best information it can obtain the actual cash value on the first Monday in March of each such franchise, and shall assess and levy the taxes thereon in accordance with the provisions of subdivision (d) of section 14 of article 13 of the constitution of this State.

**Assessor to Report to State Board.**—Every assessor or auditor shall, in the manner, at the times and for the year required by the State board of equalization, report to said board upon such forms as may be prescribed by said board the valuation placed by him upon the property of any company subject to an assessment upon its franchise under the provisions of this act.

**Arbitrary Assessment in Case of Failure or Refusal to Report.**—If any company mentioned in section 1 of this act shall fail or refuse to furnish to the State board of equalization within the time prescribed in this act the verified report provided for in this act, the State board of equalization must note such failure or refusal in the record of assessments for State taxes hereinafter in this act provided for, and must make an estimate of the amount of the gross receipts, gross premiums, value of the shares of capital stock, or value of the franchises, of such company and must assess the same at the amount thus estimated, which assessment shall be the assessment upon which the taxes upon the property or franchise of the company for such year shall be levied and collected as provided for in this act. And if in the succeeding year any such company shall again fail or refuse to furnish the verified report required by this act, the State board shall make an estimate of the amount of the gross receipts, gross premiums, value of the shares of capital stock, or value of the franchise of such company, which estimate shall not be less than twice the amount of the estimate made by said board in the previous year, and shall note such failure or refusal as above provided, and the said estimate so made shall be the assessment upon which the taxes upon the property or franchise of the company for such year shall be levied and collected as provided for in this act. In case of each succeeding consecutive failure or refusal the said board shall follow the same procedure until a true statement shall be furnished.

**Penalty for Failure or Refusal to Report.**—Any company failing or refusing to make and furnish any report prescribed in this act or rendering a false or fraudulent report shall be guilty of a misdemeanor

and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each such offense.

**Penalty for False Report.**—Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or be imprisoned not exceeding one year in the county jail of the county where said report was verified, or be subject to both said fine and imprisonment, at the discretion of the court.

**Extension of Time for Filing Report.**—The State board of equalization may, for good cause shown, by order entered upon its minutes, extend for not exceeding thirty days, the time fixed in this act for filing any report herein provided for; provided, however, that for the year one thousand nine hundred and eleven the said board may extend the period herein mentioned for not exceeding sixty days.

**State Board to Meet for Assessment.**—The State board of equalization must meet at the State capitol on the first Monday in March in each year, and continue in open session from day to day, Sundays and holidays excepted, until the first Monday in July. Between the first Monday in March and the third Monday before the first Monday in July the board must assess and levy the taxes as and in the manner provided for in this act and in section 14 of article 13 of the constitution of this State.

**Assessments, How Made.**—The assessments must be made to the company, person, or association owning or operating the property subject to said tax, or, in the case of banks, banking associations, savings and loan societies and trust companies, to the stockholders therein.

**Banks in Liquidation.**—Provided, however, that in the case of banks in liquidation the assessment shall be made to the receiver, trustee or officer in charge of such liquidation, as the case may be, as the representative of the stockholders thereof. If the name of the owner is unknown to the board, such assessment must be made to unknown owners. Clerical errors occurring or appearing in the name of any company, person, association, or stockholder whose property is correctly assessed, or in the making, or extension of any assessment upon the records of the State board of equalization, which do not affect the substantial rights of the taxpayer, shall not invalidate the assessment.

**Bank Waiver of Assessment to Individual Stockholders.**—Provided, however, that if any bank shall by resolution of its board of directors, request the State board of equalization to assess to and in the name of such bank so requesting, the entire taxable value of all the shares of the capital stock of such bank, as determined by said State board, instead of assessing such shares to and in the name of the individual stockholders or shareholders owning the same, and if such bank shall promise that it will, upon being notified by said State board, of such assessment thereof to said bank, and of the amount of taxes to be paid upon such assessment, pay such taxes at the times when taxes assessed and levied under this act are due and payable, which request



to assess said bank and promise to pay said tax shall be in substantially the following form:

**Form of Waiver.**—The State board of equalization is hereby instructed to assess in the name of this bank and not to the individual stockholders or shareholders therein, the taxable value of all the shares of capital stock in this bank and such bank hereby promises to pay to the State treasurer the amount of the tax levied upon such assessment when such taxes are due and payable under the laws of this State.

.....  
By (here insert title of official signing.)

**Enforcement Against Bank.**—Then the State board may assess the capital stock to and in the name of such bank and said promise to pay the taxes shall be binding upon such bank and collection of such taxes from such bank may be enforced in the manner and by the same method as is provided for the collection of other taxes assessed and levied under this act.

**Board to Publish Notice of Completion of Assessment.**—On the third Monday before the first Monday in July the said board shall publish a notice in one daily newspaper of general circulation published at the State capitol, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, that the assessment of property for State taxes has been completed, and that the record of assessments for state taxes will be delivered to the controller on the first Monday in July, and that if any company, person, or association is dissatisfied with the assessment made by the board, it may, at any time before the taxes thereon shall become due and payable, apply to the board to have the same corrected in any particular.

**Correction of Assessments.**—The board shall have power at any time on or before the first Monday in July to correct the record of assessments for State taxes and may increase or decrease any assessment therein if in its judgment the evidence presented or obtained warrants such action.

**Record of Assessments for State Taxes.**—The State board of equalization must prepare each year a book, in one or more volumes, to be called the "record of assessments for State taxes," in which must be entered, either in writing or printing, or by both writing and printing, each assessment and levy made by said board upon the property and franchises mentioned in section 1 of this act, describing the property assessed, and such assessments shall be classified and entered, in such separate parts of said record as the board shall prescribe.

**Certifying to Assessment-roll.**—On the first Monday in July the secretary of the State board of equalization must deliver to the controller of State the record of assessments for State taxes, certified to by the chairman and secretary of the board, which certificate shall be substantially as follows: "We, ....., chairman, and ....., secretary, of the State board of equalization of the State of California do hereby certify that between the first Monday in March and the first

Monday in July, 19...., the State board of equalization made diligent inquiry and examination to ascertain all property and companies subject to assessment and taxation for State purposes, as required by the constitution of this State; that said board has faithfully complied with all the duties imposed upon it by the constitution and laws of the State of California; that said board has not imposed any unjust or double assessment through malice or ill-will, or otherwise; nor allowed any company or property to escape a just assessment through favor or reward or otherwise."

**Failure to Certify to Record of Assessments.**—But the failure to subscribe such certificate to such record of assessments for State taxes, or any certificate, shall not in any manner affect the validity of any assessment. Such record of assessments shall constitute the warrant for the controller to collect the taxes assessed and levied upon the property and franchises mentioned in section 1 of this act.

**Taxes, When Due and When Delinquent.**—The taxes assessed and levied as provided in section 14 of article 13 of the constitution of this State, and in and by the provisions of this act, shall be due and payable on the first Monday in July of each year, and one-half thereof shall be delinquent on the sixth Monday after said first Monday in July at 6 o'clock P. M., and unless paid prior thereto, fifteen per cent shall be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at 6 o'clock P. M., an additional five per cent shall be added to the amount thereof; and the unpaid portion, or the remaining one-half of said taxes shall become delinquent on the first Monday in February next succeeding the day upon which they became due and payable, at 6 o'clock P. M.; and if not paid prior thereto five per cent shall be added to the amount thereof; provided, that all taxes provided for or levied under this act which are not fully secured by real property are due and payable at the time the assessment is made.

**Taxes not Secured by Real Estate may be Collected on Assessment.**—When in the opinion of the State board of equalization any of the taxes provided for in this section are not a lien upon real property sufficient to secure the payment of the taxes, said board may direct the controller, or his duly authorized representative, to collect the same at any time before the first Monday in August thereafter, and the controller may collect the taxes by seizure and sale of any property owned by the company against whom the tax is assessed.

**Sale of Property for Taxes.**—The sale of any property so seized shall be made at public auction and of a sufficient amount of the property to pay the taxes, penalties and costs, and be made after one week's notice of the time and place of such sale given by publication in a newspaper of general circulation published in the county where the property seized is situate, or if there be no newspaper of general circulation published in such county, then by posting of such notice in three public places in such county.

**Contents of Notice.**—Said notice shall contain a description of the property to be sold together with a statement of the amount of the taxes, penalties and costs due thereon and the name of the owner

of said property and a further statement that unless the taxes, penalties and costs are paid on or before the day fixed in said notice for such sale of said property, or so much thereof as may be necessary to pay said taxes, penalties and costs, said property will be sold in accordance with law and said notice.

**Bill of Sale and Disposition of Residue of Property.**—On payment of the price bid for any property sold, the delivery thereof with bill of sale executed by the controller vests the title in the purchaser. The unsold portion of any property so seized, may be left at the place of sale at the risk of the owner. All the proceeds of any such sale in excess of the taxes, penalties, and costs, must be returned to the owner of the property sold, and until claimed must be deposited in the State treasury subject to the order of the owner thereof, his heirs or assigns.

**Controller to Publish Notice When Taxes are Due.**—Within ten days after the receipt of the record of assessments for State taxes, the controller must begin the publication of a notice to appear daily for two weeks, in one daily newspaper of general circulation published at the State capital, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, specifying:

**Contents of Above Notice.**—1. That he has received from the State board of equalization the record of assessments for State taxes.

2. That the taxes therein assessed are due and payable on the first Monday in July and that one-half thereof will be delinquent on the sixth Monday after the first Monday in July at 6 o'clock P. M., and that unless paid to the State treasurer at the capitol prior thereto, fifteen per cent will be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at 6 o'clock P. M., an additional five per cent will be added to the amount thereof; and that the remaining one-half of said taxes will become delinquent on the first Monday in February next succeeding the day upon which they became due and payable, at 6 o'clock P. M.; and if not paid to the State treasurer at the capitol prior thereto, five per cent will be added to the amount thereof.

**Taxes a Lien.**—The taxes levied under the provisions of this act shall constitute a lien upon all the property and franchises of every kind and nature belonging to the companies subject to taxation for State purposes, which lien shall attach on the first Monday in March of each year.

**Tax has Effect of a Judgment.**—Every tax herein provided for has the effect of a judgment against the company, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until such taxes, penalties, and costs are paid, or the property sold for the payment thereof.

**Bankruptcy and Dissolution.**—No final discharge in bankruptcy or decree of dissolution shall be made and entered by any court until all taxes, penalties, and costs due on assessments made under the provisions of this act shall have been paid and discharged.

**Taxes to be Paid to State Treasurer.**—All taxes assessed and levied as provided in this act shall be paid to the State treasurer, upon the order of the controller, without deduction for any taxes assessed and levied to pay the principal and interests of any bonded indebtedness mentioned in subdivision (e) of section 14 of article 13 of the constitution of this State, and the amount due to the cities, cities and counties, counties, towns, townships, and districts on account of said taxes assessed and levied for such bonded indebtedness shall be paid to said cities, cities and counties, counties, towns, townships, or districts in the manner hereinafter in this act provided. The controller must mark the date of payment of any tax on the record of assessments for State taxes.

**Controller to Receipt for Taxes.**—He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; provided, that the receipt for the second half of the taxes may refer, by number or in any other intelligible manner, to the receipt given for the first half of said taxes, in lieu of a description of the property assessed.

**Taxes Erroneously Collected.**—Whenever any taxes, penalties, or costs collected and paid to the State treasurer under the provisions of this act, shall have been paid more than once, or shall have been erroneously or illegally collected, or when any taxes shall have been collected and paid pursuant to this act upon a computation erroneously made by reason of clerical mistake of the officers or employees of the State board of equalization, or shall have been computed in a manner contrary to law, the State board of equalization shall certify to the State board of control the amount of such taxes, penalties, or costs, collected in excess of what was legally due, from whom they were collected, or by whom paid, and if approved by said board of control, the same shall be credited to the company or person to whom it rightfully belongs, at the time of the next payment of taxes.

**Limitation of Time.**—No claim for such credit shall be so audited, approved, allowed, or paid unless presented within one year after the payment sought to be refunded.

**Cancellation of Erroneous Assessment.**—In case the assessment of any property or any company is duplicated upon the State assessment-roll, or there appears thereon the assessment of any company whose charter has been forfeited or right to do business in this State has been forfeited, or the assessment of any company which, for any reason, could not be legally assessed, the State board of equalization or the controller shall certify such fact to the State board of control and said board of control shall authorize the cancellation of such assessment.

**Protest of Taxes.**—Any company, person or association claiming and protesting as herein provided that the assessment made against him or it by the State board of equalization is void in whole or in part may bring an action against the State treasurer for the recovery of the whole or any part of such tax, penalties or costs paid on such assessment upon the grounds stated in such protest, but no such action

may be brought later than the third Monday in February next following the day on which the taxes were due, nor unless such company, person or association shall have filed with the State controller at the time of payment of such taxes a written protest stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded; and when so paid under protest the payment shall in no case be regarded as voluntary.

**Action to Recover Taxes.**—Whenever under the provisions of this section an action is commenced against the State treasurer, a copy of the complaint and of the summons must be served upon the treasurer, or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The Attorney General must defend the action. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes.

**Rendition of Judgment.**—In any such action the court shall have power to render judgment for plaintiff for any part or portion of the tax, penalties or costs found to be void and so paid by plaintiff upon such assessment.

**Reassessment Provisions.**—1. Every assessment of property made after November 8, 1910, under the provisions of section 14, article 13, of the constitution and the provision of this act which is, or may hereafter be adjudged to be invalid by reason of any illegality, invalidity, or irregularity, declared or existing, in the assessment of such property, or in the mode provided for the assessment thereof, shall be remade and the property reassessed and equalized for each year for which such assessment is invalid as aforesaid, and for the year for which the assessment of such property was invalid as aforesaid.

**How Made.**—And such reassessment and equalization shall be made by the same officers and boards, at the same time or times, as are prescribed by law for the assessment and equalization of property, of the same classes or kinds as the property which hereby is required to be reassessed.

**How Entered.**—The assessment and equalized assessment of such property shall be entered on the several assessment-rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years for which such reassessments shall be made.

**Levy of Tax.**—And there is hereby levied for State purposes the same rates of taxation for each of such respective years as were levied upon such property for each of said years for said state purposes.

**Procedure.**—2. All property authorized to be reassessed by this act shall be reassessed and equalized by the proper officers and boards at the value to which and to the person or corporation to whom or to which such property ought, for each of such years, to have been assessed, under such rules of notice and at the times and in the modes

as are prescribed for the assessment and equalization of like classes of property.

**Levy and Collection of Tax.**—And the assessment and equalization thereof, and the levy and collection of taxes thereunder, shall be made by the proper officers at the time, upon like notice and in the manner now or hereafter provided by law for making assessments and equalizing the same, and for the levy and collection of taxes on like classes of property.

**Delinquent Penalties—Credits Allowed.**—And if the taxes so relieved shall become delinquent, there shall be added thereto and the amount thereof the same percentage as a penalty for such delinquency as is added to other delinquent taxes on like classes of property; and such delinquent taxes and penalties added thereto shall be collected by the proper officers in the manner now or hereafter provided by law for the collection of delinquent taxes and penalties upon like classes of property, the collectors of such taxes to allow as credits thereon all payments theretofore made on the tax as first levied.

**Limitation as to Actions.**—3. There shall be no limitation or limitations as to the time in which actions for the collections of taxes levied under this section may be commenced, and all the provisions of law now or hereafter provided in respect to assessments, equalization, levy, and collection of taxes shall, where applicable, apply to reassessments, equalization, and relieves and collections of taxes made under the provisions of this act.

**Controller to Send Notice of Delinquent Taxes.**—Within ten days after the first Monday in February, the controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties, and costs, and that if the said taxes, penalties, and costs are not paid on or before the Saturday preceding the first Monday in March next thereafter at 6 o'clock P. M. of said day, the delinquent company if it be a domestic corporation will forfeit its charter to the State, and that if the delinquent company be a foreign corporation it will forfeit its right to do business in this State.

**Charter Forfeited for Delinquent Taxes.**—If the taxes, penalties, and costs are not paid within the time specified in said notice, the controller shall, on said Saturday preceding the first Monday in March at 6 o'clock P. M., of said day, mark on the record of assessments for State taxes opposite the assessment of the delinquent company the words "charter forfeited to the State," if the delinquent company be a domestic corporation, and thereupon said charter shall be so forfeited, and if the delinquent company be a foreign corporation the words "right to do business forfeited" and thereupon said right to do business shall be so forfeited. He shall at once report to the Secretary of State the name and number of charter of each corporation whose charter or right to do business has been forfeited for nonpayment of taxes, and the Secretary of State shall at once report the same to the Governor.

**Governor to Proclaim Forfeitures.**—The governor shall forthwith his proclamation, declaring that the charters of such domestic

corporations have been forfeited and the right of such foreign corporations to do business in this State has been forfeited. Said proclamation shall be filed immediately in the office of the Secretary of State.

**Publication of Forfeiture List.**—And immediately thereafter a copy of said proclamation shall be published in the manner provided by law in one issue of one daily newspaper of general circulation published at the State capital, of one daily newspaper of general circulation published in the city and county of San Francisco, and of one daily newspaper of general circulation published in the city of Los Angeles. The Secretary of the State shall thereupon transmit a certified copy of the proclamation to each county clerk in this State, who shall file the same in his office.

**Relief from Forfeiture.**—Any such corporation making subsequent payment of all taxes, penalties, and costs due the State, and in addition thereto an amount equal to the taxes levied under this act for the year in which such forfeiture occurred, for each year subsequent to such forfeiture and to the time of such redemption, shall be relieved of such forfeiture.

**Duty of Controller and Secretary of State.**—And the controller shall notify the Secretary of State thereof, and the Secretary of State shall annually on the first Monday in April transmit to the county clerk of each county in this State a list of the corporations so paying, and which have been relieved of such forfeiture, which list shall be by said county clerk filed in his office; provided, the rehabilitation of a corporation under the provisions of this act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; and provided, that in case the name of any corporation which has suffered the forfeiture prescribed in this act, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture, then said corporation having suffered such forfeiture shall be relieved therefrom pursuant to the terms of this section only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name.

**Resumption of Former Name, When Permitted.**—And such corporation shall have the right to use its former name or take such new name only upon filing and application therefor with the Secretary of State and upon the issuing of a certificate to such corporation by the Secretary of State setting forth the right of such corporation to take such new name or use its former name, as the case may be: provided, however, that the Secretary of State shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this State, and which has not suffered a forfeiture prescribed by this act, or to make or use a name so closely resembling the name of such corporation heretofore organized in this State as will tend to deceive. The provisions of title IX, part III of the Code of Civil Procedure, in so far as they conflict with this section, are not applicable to corporations seeking revivor under this act.

**Controller to Sue for Delinquent Taxes.**—The controller may, on or before the thirtieth day of April next following said delinquency and forfeiture, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this act and appearing delinquent upon the record of assessments for State taxes hereinbefore in this act provided for. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

**May Attach.**—In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In the case of companies whose charters or right to do business has been forfeited under the provisions of this act, service of summons may be made upon the persons now provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action.

**Payment of Tax.**—Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the State treasurer. In such actions the record of assessments for State taxes, or a copy of so much thereof as is applicable in said action, duly certified by the controller, or by the secretary of the State board of equalization, showing unpaid taxes against any company, person or association assessed by the State board of equalization, is *prima facie* evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the State, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

**Unlawful to Continue Business After Forfeiture of Charter.**—It shall be unlawful for any company, either domestic or foreign, which has not paid to the State all taxes, penalties and costs as in this act prescribed and levied, to exercise the powers of such company, or to transact any business in this State, after the Saturday preceding the first Monday in March following its delinquency.

**Penalty for Violation.**—Each and every person exercising any of the powers of such delinquent company or transacting any business for or in behalf of such company after the Saturday preceding the first Monday in March following the delinquency of such company as provided in this act, except to settle the affairs of such company, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each day such violation of the law continues, which fine shall be paid into the general fund of the State treasury.

**Powers and Duties of State Board.**—In addition to the powers and duties prescribed in the Political Code, it is the duty of the State board of equalization, and the said board shall have power, for carrying this act into effect:



1. **Prescribe Forms.**—To prescribe the forms upon which the reports required by sections 9, 12 and 14 of this act shall be made.

2. **Inspect Property.**—Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to any portion of this State for the purpose of inspecting property and learning the value thereof, and of collecting information to enable it to justly assess and levy the taxes provided for in this act.

3. **Summon Public Officials.**—To call before it, or any member thereof, or before its secretary or duly appointed representative on such visit, any public officials, and to require him to produce any public record, papers or documents in their custody.

4. **Issue Subpoenas.**—To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person.

5. **Require Attendance of Witnesses and Production of Books.**—To require any person having knowledge of the business of any of the companies mentioned in section 14 of article 13 of the constitution of this State, or having the custody of the books and accounts of such companies, to attend before the board or any member thereof, or before the secretary or the duly appointed representative of said board and bring with him for inspection any books, or papers, of such company in his possession or under his control, and to testify under oath touching any matter relating to the assessment to be made under this act. A member of the board, its secretary, or duly appointed representative is authorized to administer such oath.

6. **Examine Books and Accounts.**—Said board of equalization is hereby authorized and empowered to examine the books and accounts of all companies required by law to report to it and to employ an expert accountant or accountants to assist in the examination of the books and accounts of any such companies when in the judgment of said board the exigencies of the case may so require.

7. **Unlawful for Members or Employees to Divulge Information.**—It shall be unlawful for any member or ex-member of the State board of equalization, or for any agent employed by it, or for the controller, or ex-controller, or for any person employed by him or for any person who may at any time have obtained such knowledge from any of the foregoing officers or persons, to divulge or make known in any manner whatever not provided by law, any of the following items of information concerning the business affairs of companies reporting to the said board:

(a) Any information concerning the business affairs of any company which is gained during an examination of its books and accounts or in any other manner, and which information is not required to be reported to the State board of equalization in the reports or statements provided for in paragraphs numbered 1 to 10 of section 9 and paragraphs numbered 1 to 10 of section 14 of this act.

(b) Any information, other than the assessment and the amount of taxes levied, obtained by the State board of equalization in accordance

with the provisions of this act, from any company other than any of those enumerated in sections 2, 3 and 4 of this act.

(c) Any particular item or items of information relating to the disposition of its earnings contained in the report of a *quasi*-public corporation which any such corporation may, by written communication specifying the items and presented at the time when it files its report, request shall be treated as confidential.

**Governor may Disclose Information.**—Provided, however, that if the Governor shall direct that any of the information herein referred to be made public, then it shall no longer be unlawful to divulge or make known the same.

**Penalties.**—Any violation of the provisions of this subdivision shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

**County Auditors to Report Assessments of Real Estate of Banks.**—On the second Monday in August of each year the auditor of each county must report to the State board of equalization, in addition to the items required to be so reported by him under section 3728 of the Political Code, the value of each piece of real estate other than mortgage interests therein belonging to each bank in his county as assessed and equalized for purposes of county taxation.

**State Board to Equalize Such Assessments.**—Whenever the State board of equalization is satisfied after investigation that any county assessor, or board of equalization, has assessed any real estate belonging to any bank above its full cash value and has thereby unjustly reduced the amount of taxes due the State from said bank, said State board shall, under such rules of notice to the clerk of the board of supervisors of the county affected thereby as the said State board shall deem reasonable, equalize the assessed value of such real estate and shall upon completion of said equalization issue an order to said assessor or board of equalization and to the county auditor of the county in which said real estate is located, fixing the assessed value of said real estate.

**Equalized Value.**—The value so equalized and fixed, and no other, shall be deemed the value, as assessed for county taxes, of such real estate, and the sole basis of taxation upon such real estate for county taxes. A copy of the order certified by the Secretary of the State board of equalization shall be *prima facie* evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the order.

**State Board to Equalize Assessments of Real Estate of Insurance Companies.**—The State board of equalization shall immediately after the county and city assessments have been completed, ascertain the value of any real estate belonging to any insurance company as assessed and equalized for purposes of county and of city taxation. Whenever the State board of equalization is satisfied after investigation that any county, city and county, city, or district assessor, or board of equalization, has assessed any real estate belonging to any insurance company above its full cash value and has thereby un-

justly reduced the amount of taxes due the State from said insurance company, said State board shall, under such rules of notice to the clerk of the board of supervisors of the county or the proper officer of the city affected as the board shall deem reasonable, equalize the assessed value of such real estate and shall upon the completion of said equalization, issue an order to said assessor or board of equalization and to the county, city and county, city, or district auditor or clerk of the county, city and county, city, or district in which said real estate is located, fixing the assessed value of said real estate.

**Equalized Value.**—The value so equalized and fixed, and no other, shall be deemed the value, as assessed for county, city and county, city, or district taxes, of such real estate, and the sole basis of taxation upon such real estate, for county, municipal and district taxes. A copy of the order certified by the Secretary of the State board of equalization shall be *prima facie* evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the order.

**Assessors to Segregate on Assessment-roll.**—Each county, city and county, city, and district assessor must segregate on his assessment-roll, as directed by the State board of equalization:

1. **Assessment of Railroads as Made by State Board.**—The assessments made by the State board of equalization, and apportioned to the county, city and county, city, town, township, or district, upon the franchises, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this State under the provisions of the Political Code as the same existed and were in force on the seventh day of November in the year one thousand nine hundred and ten; and

2. **Assessments of Public Service Corporations' Property Subject to Bond Tax.**—The assessments made by said assessors of any other property enumerated in subdivisions (a), (b) and (d) of section 14 of article 13 of the constitution of this State, which is located in the county, or city and county, or any city, town, township, or district in which it is subject to taxation for paying the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district prior to the eighth day of November in the year one thousand nine hundred and ten, as provided in subdivision (e) of section 14 of article 13 of the constitution of this State.

**Duplicate to be Sent to State Board.**—Immediately upon completion of the assessment and equalization of property for the purposes of taxation in each year the auditor or clerk of each county, city and county, city, town, or district must transmit to the State board of equalization a duplicate of that part of the assessment-roll containing the assessments and apportionments referred to in paragraphs 1 and 2 of this section.

**State Board to Equalize Assessments Made for Bond Purposes.**—Whenever the State board of equalization is satisfied after investigation that any county, city, or other assessor, or board of equalization, has assessed for taxation to pay the principal and interest of

any bonded indebtedness created and outstanding by any county, city and county, city, town, township, or district prior to the eighth day of November in the year one thousand nine hundred and ten, as provided in subdivision (e) of section 14 of article 13 of the constitution of this State, any of the property taxed exclusively for State purposes as provided in subdivisions (a), (b) and (d) of section 14 of article 13 of the constitution of this State, or has assessed for purposes of county, city and county, city, or district taxation the property other than the franchise of any company taxable for a franchise under subdivision (d) of said section and article of the constitution, above its full cash value and has thereby unjustly reduced the amount of taxes due the State on such property, said State board shall, under such rules of notice to the clerk of the board of supervisors of the county, or city and county, or to the city clerk of the city, affected thereby as the board shall deem reasonable, equalize the assessed value of such property, and shall issue an order to said assessor or board of equalization and to the county or city auditor or clerk of the county, city and county, or city in which the property is located, fixing the assessed value of such property.

**Equalized Value.**—The value so equalized and assessed, and no other, shall be deemed the value of said property, and its assessment for taxes levied to pay the principal and interest of any such outstanding bonded indebtedness, and in the case of companies taxable for a franchise under said subdivision (d) of said section and article of the constitution shall be deemed the value of the said property, and its assessment for taxes for county, city and county, municipal and district purposes.

**Tax Rates for Bonds to be Separate from Other Rates.**—When making the tax levy and fixing the rates of taxation for county, city and county, city, town, township, or district purposes, the board of supervisors of any county, or city and county, and the corresponding authority in any city, having bonded indebtedness issued and outstanding on the eighth day of November in the year one thousand nine hundred and ten, shall fix the tax rate for such bonded indebtedness separate and apart from all other tax rates, whether for subsequent bonded indebtedness or for other purposes.

**Same Tax Rate to Apply to All Property for Bond Purposes.**—The county, city and county, or city auditor or clerk shall extend on the assessment-roll against the assessments segregated as herein provided, the taxes necessary to pay the principal and interest of said bonded indebtedness at the same rate as said taxes for payment of principal and interest of said outstanding bonded indebtedness shall be levied upon the other classes of property within the same county, city and county, city, town, township, or district, and the amount of each such taxes shall be certified by said auditor or clerk to the controller and the amount so certified shall then be credited by the controller to the county, city and county, city, town, township, or district to which it is due; and said amount shall be paid by said controller to the treasurer of such county, or city and county as provided in section 29 of this act, and upon such payment said treasurer shall forthwith certify such fact to the tax collector who shall thereupon

mark upon the assessment-roll the date of payment and the words "paid by the State treasurer." The city clerk or auditor shall in the certificate mentioned in this paragraph also state the date when taxes in such city shall become delinquent.

**State to Pay Part of Principal and Interest of Outstanding Bond Debts.**—The controller shall out of the taxes collected by him as provided in this act credit to the fund created by an act of the thirty-ninth session of the legislature entitled: "An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district on the eighth day of November in the year one thousand nine hundred and ten, which is provided for in section 14 of article 13 of the constitution of this State, and as provided in an act of the thirty-ninth session of the legislature entitled 'An act to carry into effect the provisions of section 14 of article 13 of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,' " the money due to each county, city and county, city, town, township, or district on account of taxes to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten.

**Controller to Settle in October and March.**—The controller shall in the months of October and March in each year settle with the treasurer of each county and city and county for the money collected by said controller under this section, for the moneys due said county or city and county and the townships and districts within such county or city and county, in the same manner as settlements are made between the county or city and county treasurers and the controller as provided for in section 3866 of the Political Code. The controller shall at the same times, settle with each city and town for the moneys due such city or town for the purposes mentioned in this section, and when ready for such settlement shall notify the city or town treasurer of the amount of money due the city or town for said purposes, and that upon receipt of proper authority so to do, he will forward to said city or town treasurer a warrant for the amount thereof; provided, however, that upon receipt of notice from any such city or town treasurer that any bond issue matures for principal or interest before the date of such settlement, which notice shall state the amount thereof due from the State and the date of maturity, and that said amount due from the State is required in order to pay the same, the said controller must, before said date of maturity, forward his warrant to such city or town treasurer in the manner above provided for the amount ascertained by him to be due. The treasurer of the county or city and county shall forthwith, upon receipt by him of the moneys so hereinbefore directed to be paid by said controller, credit the amount so received by him to the county, city and county,

township or district, respectively entitled thereto, and pay the same in the manner provided by law.

**Excess Paid by State.**—Any excess paid by the controller to a county, city and county, city, town, or to a county or city and county or any township or district, over and above the State's share of the amount actually expended by such county, city and county, city, town, township or district, to pay the interest and principal of said bonded indebtedness in any year, shall be repaid to the State in such manner as the controller shall direct.

**State to Reimburse Counties.**—Until the year one thousand nine hundred and eighteen the State shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation in the manner, at the times, and in the amounts specified in an act of the thirty-ninth session of the legislature entitled "An act to provide for the reimbursement of counties in this State which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section 14 of article 13 of the constitution of this State."

**State not to Pay County Treasurers' Expenses.**—The provisions of section 3876 of the Political Code shall not apply to the settlements made with the State treasurer under sections 29 and 30 of this act, but the county board of supervisors may if it deem necessary allow the county treasurer the actual expenses incurred in collecting the money due the county from the State.

**Counties to Reimburse Loss to Districts.**—The board of supervisors of each county shall in the month of September of each year determine the amount of loss to each district in the county where loss is occasioned in such district by the withdrawal from local taxation of property taxed for State purposes only, and in the month of December next thereafter shall reimburse such district from the general funds of the county for one-half of such loss, and in the month of May next thereafter shall reimburse such district from the general fund of the county for the remaining one-half of such loss.

**All Property in State Subject to Deficiency Tax.**—Any tax required to be levied for State purposes as provided in subdivision (e) of section 14 of article 13 of the constitution as amended the eighth day of November in the year one thousand nine hundred and ten, to meet any deficiency in the State revenue shall be assessed, levied and collected on all property in the State, not exempt from taxation including the classes of property enumerated in this act, under the provisions of the Political Code relating to the assessment, levy and collection of State and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred and ten.

**Prior Laws not Repealed for Certain Purposes.**—Nothing in this act shall be construed as repealing any laws in force prior to the eighth day of November in the year one thousand nine hundred and ten, relating to taxation, in so far as said laws may be necessary for

the assessment, levy, and collection of State, county, city and county, municipal or district taxes, or in so far as said laws may be necessary for the assessment, levy and collection of the taxes provided for in section 22 of article 4 of the constitution as amended on the eighth day of November in the year one thousand nine hundred and ten; or in so far as said laws may be necessary for the assessment, levy and collection of the taxes for State purposes, on all the property in the State, not exempt from taxation, to meet a deficiency in the revenues for the support of the State government, or to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district, both as provided in subdivision (e) of section 14 of article 13 of the constitution as amended on the eighth day of November in the year one thousand nine hundred and ten.

**Basis and Findings on Increase of Tax Rates on Public Service Corporations, Provided for in Chapter 6, Laws of 1913.**—In so far as the rates of taxation upon the property and franchises described and enumerated in section 14 of article 13 of the constitution of the State of California and in section 1 of the act of which this act is in part amendatory, differ from the rates of taxation upon such property and franchises as fixed and defined by this act, it is hereby declared to be the intent and purpose of the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, by virtue of the authority conferred upon the legislature by subdivision f of section 14 of article 13 of the constitution to change the rates of taxation heretofore fixed and imposed by said section of the constitution and enumerated and specified in the act of which this act is amendatory to the rates fixed, determined, established and set forth by and in this act.

This tax levy, and each and every of the percentages or rates of taxation herein and hereby determined, made, fixed and established to be paid by the persons, firms, companies and corporations specified; described or included in section 14 of article 13 of the constitution, are and have been determined, made, fixed and established after a full, complete, open and public investigation and hearing by and before this legislature upon and respecting the value of each and all of the properties and franchises included within or enumerated in section 14 of article 13 of the constitution, and of all other and different property subject to taxation of any kind within the State of California, of which investigation and hearing every and all persons, firms, companies and corporations concerned therein or affected thereby had due notice; and at which investigation and hearing the legislature took oral and written evidence and at which hearing every and all persons, firms, companies and corporations concerned therein or affected thereby and who desired so to do, were given an opportunity to and did appear and were heard and introduced evidence before this legislature respecting and showing the value of said properties and franchises included within or enumerated in said section 14 of article 13 of the constitution and also respecting and showing the value of all other and different property subject to taxation of any kind within the State of California, and after the due considera-

tion of all of said evidence by this legislature and its ascertainment and determination therefrom and thereon of the value of said and all of said hereinbefore mentioned properties and franchises; and the percentages or rates of taxation herein and hereby determined, fixed and established have been and are determined, fixed and established, and have been and are based, upon the value of each, all and every of the properties and franchises included within or enumerated in said section 14 of article 13 of the constitution as ascertained and determined as aforesaid by this legislature and constitute and are the percentages or rates of taxation ascertained and determined by this legislature which when applied in the manner provided and required by law, do and will levy a tax upon said properties and franchises included within or enumerated in said section 14 of article 13 of the constitution in proportion to the value of the same and in proportion to the value of every and all other and different property subject to taxation of any kind within the State of California as ascertained and determined as aforesaid by this legislature.

## GENERAL INFORMATION IN REGARD TO STATE TAXES.

(Legislation of 1913 will apply to assessment of 1914.)

There are so many requests from taxpayers for information in regard to the new State taxes, especially franchise taxes, that it is deemed advisable to offer here this explanation.

On November 8, 1910, the people of California amended the Constitution by adding section 14 to article 13 (generally known as Constitutional Amendment No. 1). This provided, in substance, two things, viz.:

**Gross Receipts Taxes.**—First, that certain corporations, such as railroads, street railroads, car companies, gas and electric companies, express, insurance, telegraph and telephone companies should be taken over by the State for taxation on their operative property for State purposes exclusively. These are generally referred to as the "withdrawn corporations." Their taxes are fixed at a certain rate per cent on their gross receipts, and such taxes cover both physical property and franchises.

**Franchise Taxes.**—Second, the amendment provided that the franchises of all other corporations should also be taxed for State purposes, while all their other properties and the property of individuals are left to local taxation.

To put it in a little different language, the public service corporations above named are taxed on all their possessions (except non-operative property) for State purposes alone, while other corporations pay taxes to the State on their franchises only, and on all of their other property they pay taxes to the county, the municipality and the district.

The exceptions to the above general statement are these: First, if from the special taxes thus provided the State does not secure the revenues necessary for its support, it may levy a deficiency tax on all



property, including that of the withdrawn corporations; second, by virtue of another constitutional amendment, also adopted in 1910, all property, including the withdrawn corporations, is liable, during the period of four years, to a State tax for the Panama-Pacific Exposition; third, wherever public bond debts existed on November 8, 1910, the property of the withdrawn corporations is taxable to help pay interest and principal of such past bond debts, but the taxes so paid are deducted from the total amount paid in taxes for State purposes.

**Rate on Franchises.**—The following is the provision of the Constitution relating to franchises:

(d) "All franchises other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State."

**What are Franchises.**—To define the franchises referred to by the Constitution the legislature provided as follows in chapter 335, Statutes of 1911:

"These franchises shall include the actual exercise of the right to be a corporation and to do business as a corporation under the laws of this State and the actual exercise of the right to do business as a corporation in this State when such right is exercised by a corporation incorporated under the laws of any other State or country," besides the right or privilege to exercise special franchises, as to maintain wharves, ferries, or toll roads, or to use the public streets for mains, conduits, etc.

**Values, How Fixed.**—With reference to the "manner" of assessing franchises, the legislature provided for an elaborate system of reports to be rendered by corporations, and then added this:

"The State board of equalization shall ascertain and determine from the foregoing reports or from the best information it can obtain the actual cash value on the first Monday in March of each such franchise, and shall assess and levy the taxes thereon in accordance with the provisions of subdivision (d) of section 14 of article 13 of the Constitution of this State."

In practice the State board of equalization assumes that every incorporated concern possesses a franchise, and endeavors to ascertain its value and assess it accordingly. This value is arrived at from a study of the reports, aided by the "best information" which can be obtained from any other source, as the law requires.

**No Established Scale.**—Many persons having in mind the corporation license tax, which is scaled in proportion to authorized capital stock, and the federal corporation tax, which is fixed in proportion to net profits in excess of \$5,000, assume that the State franchise tax must be based on a similar scale, but it is not so. The constitution makes the rate of tax one per cent on the value of the franchise, and the board of equalization considers the stock, bond debt, income, net profit, surplus, etc., only as aids in fixing the value of the franchise. In the same way, it considers the assessment of the physical properties made by the county assessor.

**County Assessor's Rule.**—Before the adoption of the constitutional amendment many franchises were assessed by county assessors, who worked out a practice of deducting the value of the tangible property from the total value of the corporation and taking a certain portion of the difference as constituting the assessable value of the franchise. This rule the Supreme Court has upheld in such cases as *Bank of California v. City and County of San Francisco*, *Crocker v. Scott*, and *City of Los Angeles v. Western Union Oil Co.* So far as practicable, the State board of equalization has been guided by this rule.

The law necessarily leaves much, in the fixing of franchise taxes, to an exercise of judgment. There are five members of the board of equalization, and although they work together, they may arrive by different methods at a common conclusion. This and the impossibility of remembering just how twenty thousand different taxes were fixed render it out of the question, in most instances, to answer an inquiry how a particular tax was computed.

The law gives opportunity, during a period of three weeks preceding the first Monday in July, for any corporation to ascertain the amount of the proposed tax and to apply for correction of the same.

In assessing foreign corporations the State board endeavors to ascertain the proportion of the total business which is done and the proportion of capital employed in California and to fix the tax in proportion.

## SYNOPSIS OF TAX LAWS.

### STATE TAXES.

Public service corporations file sworn report of their operations for the year ending the preceding **31st day of December**, with the State board of equalization within **ten days** after the **first Monday in March**. (Stats. 1913, p. 617.)

Insurance Commissioner files report with State board of equalization on or before the **last day of March**. (Stats. 1911, p. 530.)

Banks report to State board of equalization on **first Monday in March** or within **ten days** thereafter. (Stats. 1911, p. 530.)

Secretary of State reports corporations to State board of equalization **as required** by the board. (Stats. 1911, p. 530.)

Owners of franchises subject to taxation report to State board of equalization within **ten days** after **first Monday in March**. (Stats. 1913, p. 619.)

Railroad companies report to State board of equalization on **first Monday in April**. (Pol. Code, 3664.)

Assessors must report valuation of property of companies subject to franchise assessment **at such time** as the State board of equalization may require. (Stats. 1911, p. 530.)

State board of equalization may extend the time for making reports not exceeding **thirty days**. (Stats. 1911, p. 530.)

State board of equalization meets at the State Capitol on the **first Monday in March** and continues in open session until the **third Monday in July**. (Stats. 1913, p. 621.)

Action against State Treasurer for recovery of taxes illegally paid must be brought not later than the **first Monday in June**. (Pol. Code, 3669.)

State board of equalization must assess and levy State taxes between the **first Monday in March** and the **third Monday before the first Monday in July**. (Stats. 1913, p. 621.)

State board of equalization publishes notice of completion of assessment on the **third Monday before the first Monday in July**. (Stats. 1913, p. 622.)

State board of equalization assesses and levies taxes for State purposes under a, b, c, and d of section 14 of article 13 of State Constitution, and determines deficiency, if any, between **first Monday in March, 1914, and first Monday in July, 1914**. (Stats. 1913, p. 1084.)

State board of equalization delivers the record of assessment for State taxes to the controller on the **first Monday in July**. (Stats. 1913, p. 622.)

State board of equalization may correct record of assessment for State taxes on or before the **first Monday in July**. (Stats. 1913, p. 622.)

State taxes are due and payable on the **first Monday in July**. (Stats. 1911, p. 530.)

One-half of State taxes is delinquent on the **sixth Monday after the first Monday in July, at 6 P. M.** (Stats. 1911, p. 530.)

Second half of State taxes is delinquent on the **first Monday in February at 6 o'clock P. M.** (Stats. 1911, p. 530.)

Assessors transmit copy of assessment-roll to State board of equalization on **second Monday of July**. (Pol. Code, 3655.)

State board of equalization may direct controller to collect State taxes by seizure and sale at any time before the **first Monday in August**. (Stats. 1911, p. 530.)

State board of equalization meets at Sacramento on **third Monday in July**. (Pol. Code, 3665.)

State board of equalization meets at Sacramento on **first Monday in August**, and continues until the **second Monday in September**. (Pol. Code, 3692.)

Property seized for State taxes may be sold upon **one week's** notice by publication or (if no newspaper) by posting. (Stats. 1911, p. 530.)

State board of equalization fixes *ad valorem* tax for State purposes between **first and second Mondays of September, 1914**. (Stats. 1913, p. 1085.)

State board of equalization determines rate of State tax between **first and second Mondays of September**. (Pol. Code, 3696.)

State board of equalization transmits rate to County Auditors and Boards of Supervisors **immediately**. (Pol. Code, 3696.)

Controller publishes notice of taxes within **ten days after second Monday in October**. (Pol. Code, 3668.)

Controller must publish notice that taxes are payable, beginning within **ten days after receipt of the record of assessments** and continuing **daily for two weeks**. (Stats. 1911, p. 530.)

Lien of taxes for State purposes attaches on the **first Monday in March**. (Stats. 1913, p. 622.)

Action for recovery of State taxes paid under protest must be brought not later than the **third Monday in February** next following. (Stats. 1913, p. 623.)

Claim for credit for taxes paid upon erroneous computation must be made in **one year**. (Stats. 1913, p. 623.)

Controller mails notices of delinquent State taxes within ten days after **first Monday in February**. (Stats. 1911, p. 530.)

Delinquent corporations forfeit charters and right to do business on **first Monday in March at 6 P. M.** (Stats. 1911, p. 530.)

Controller reports delinquent corporations to Secretary of State, Secretary of State reports to Governor, and Governor issues proclamation declaring forfeiture **forthwith**. (Stats. 1911, p. 530.)

Secretary of State publishes proclamation and transmits certified copy to County Clerks **immediately**. (Stats. 1911, p. 530.)

Secretary of State transmits to County Clerks list of rehabilitated corporations after nonpayment of franchise tax on the **first Monday in April**. (Stats. 1911, p. 530.)

Controller may bring action to recover delinquent State taxes within sixty days after the **first Monday in March**. (Stats. 1911, p. 530.)

Delinquent corporations not allowed to exercise powers after the **Saturday preceding the first Monday in March**. (Stats. 1913, p. 625.)

Secretary of State notifies county clerks of corporations rehabilitated after nonpayment of license tax, on **first day of December**. (Stats. 1913, p. 513.)

Auditors report value of real estate belonging to banks to State board of equalization on **second Monday in August**. (Stats. 1911, p. 530.)

State board of equalization equalizes assessment of real estate owned by banks on **reasonable notice** to the clerk of the Board of Supervisors. (Stats. 1911, p. 530.)

State board of equalization equalizes assessment of real estate belonging to insurance companies upon **reasonable notice** to the clerk of the Board of Supervisors. (Stats. 1911, p. 530.)

Auditor or clerk transmits to State board of equalization duplicate of part of assessment-roll containing assessment of railroad property where it is operated in more than one county, and public utility insurance and franchise assessments where property is subject to taxation for payment of bonded indebtedness, **immediately** after completion of assessment and equalization. (Stats. 1911, p. 530.)

State board of equalization may equalize assessment of property taxed for State purposes upon **reasonable notice** to the clerk of the Board of Supervisors or City Clerk. (Stats. 1911, p. 530.)

Controller settles with county and city treasurers for moneys due from State on account of bonded indebtedness, in **October and March**. (Stats. 1911, p. 530.)

County Tax Collectors settle with State Controller and State Treasurer between the **15th and 30th of May**, and **15th and 30th of December**. (Pol. Code, 3866.)

Auditors report to Controller and State Treasurer between the **first and tenth of May**, and **first and tenth of December**. (Pol. Code, 3868.)

**COUNTY TAXES.**

Surveyor General and Tide Land Commissioners transmit list of land sold to County Assessors on or before **first Monday in March**. (Pol. Code, 3659.)

County Recorder transmits abstract of mortgages and deeds of trust, etc., to County Assessor within ten days after **first Monday in March**. (Pol. Code, 3678.)

Assessor assesses between **first Monday in March**, and **first Monday in July**. (Pol. Code, 3628.)

Taxes are a lien from **first Monday in March**. (Pol. Code, 3628-3717.)

Property is assessed as of the **first Monday in March**. (Pol. Code, 3628.)

Assessor completes his assessment-book on or before **first Monday in July**. (Pol. Code, 3652.)

Boards of Supervisors meet as county boards of equalization on **first Monday of July**. (Pol. Code, 3672.)

Corrected assessment-roll must be returned to the County Auditor on or before the **first Monday in August**. (Pol. Code, 3682.)

Board of Supervisors fix tax rate and levy taxes on the **third Monday in September**. (Pol. Code, 3714.)

County Auditor completes total valuation **as soon as** assessment-book is delivered to him by the clerk of the Board of Supervisors. (Pol. Code, 3727.)

Assessors, District Attorneys and County Treasurers make annual settlement with Auditor on the **first Monday of January**. (Pol. Code, 3889.)

Unsecured taxes on personal property and one-half taxes on real property delinquent **last Monday in November at 6 P. M.** (Pol. Code, 3668, 3756.)

Second half of real property taxes is payable **first Monday in January**. (Pol. Code, 3668.)

Second half of real property taxes is delinquent **last Monday in April at 6 P. M.** (Pol. Code, 3668-3756.)

Assessors and Tax Collectors may pay moneys to Treasurer daily. (Pol. Code, 4101a.)

Tax Collector delivers delinquent tax list to Auditor on or before the **last day of June**. (Pol. Code, 3797.)

Auditor delivers delinquent list to Tax Collector within **three days thereafter**. (Pol. Code, 3762.)

Auditor transmits statement of property assessed and delinquent taxes to Controller within **ten days after final settlement** with Tax Collector. (Pol. Code, 3763.)

Tax Collector publishes delinquent tax list on or before **June 5th**. (Pol. Code, 3764.)

Notice of tax sale must be published **once a week for three successive weeks**. (Pol. Code, 3766.)

Tax sale must not be less than **21** or more than **28 days** from time of first publication. (Pol. Code, 3766.)

Deed to State is made **after five years**. (Pol. Code, 3785.)

Notice to holders of encumbrances must be mailed by Tax Collector at least **ten days before** the sale date. (Pol. Code, 3769a.)

Purchaser of property at delinquent tax sale, which has been sold to the State five years previously, has **thirty days** in which to make redemption. (Pol. Code, 3771.)

When property is to be sold at public auction for nonpayment of taxes, the Tax Collector must mail copy of delinquent list to last assessed party within **five days after first publication** of the list. (Pol. Code, 3771.)

Tax Collector must transmit statement of property, sold to the State, to the Controller **immediately after the sale**. (Pol. Code, 3772.)

Property may be redeemed within **five days** after sale to the State or prior to resale by the State. (Pol. Code, 3780.)

Tax Collector may seize and sell for payment of unsecured personal property taxes after **one week's** notice by publication or posting. (Pol. Code, 3792.)

When State lands on which full purchase price has not been paid are sold for taxes and deed is filed with Surveyor General, the former possessor is preferred purchaser for **six months**. (Pol. Code, 3788, 3788a.)

When correction of assessment increases tax, person assessed is entitled to **five days'** notice. (Pol. Code, 3881.)

Publication of corrected delinquent list must be for same period as original publication, but not **less than one week**. (Pol. Code, 3883.)

Tax collector furnishes Auditor with a printed list of lands sold for taxes within **thirty days after sale**. (Pol. Code, 3801.)

Suit to recover taxes paid under protest must be brought within **six months after payment**. (Pol. Code, 3819.)

County Auditor prepares and transmits duplicate statements to Controller and State board of equalization on **second Monday in August**. (Pol. Code, 3728-3729.)

Auditor corrects assessment-book **as soon as** charges are received from State board of equalization. (Pol. Code, 3730.)

Auditor delivers corrected assessment-book to Tax Collector on **second Monday in October**. (Pol. Code, 3732.)

Auditor prepares duplicate statements and files with the Board of Supervisors and Controller on the **third Monday in September**. (Pol. Code, 3737.)

Auditor furnishes assessor with blank personal property receipts on or before the **first Monday in March**. (Pol. Code, 3738.)

Assessor returns unused personal property receipts to Auditor on **first Monday in August**. (Pol. Code, 3738.)

Auditor furnished report of property redeemed on or before the hour fixed by the Tax Collector for sale of property. (Pol. Code, 3739.)

Personal property taxes secured by real estate and one-half of real property taxes are payable on **second Monday in October**. (Pol. Code, 3746.)

Tax Collector publishes tax notice within **ten days after receipt of assessment-book**. (Pol. Code, 3746.)

Supervisors may make taxes payable in townships and cities by order made before the **first Monday in October**. (Pol. Code, 3748.)

Tax notice must be published for **two weeks**. (Pol. Code, 3749.)

Tax Collector settles with Auditor for State and county taxes on the **first Monday of each month.** (Pol. Code, 3753.)

Tax Collectors deliver assessment-book to Auditor on **second Monday of December.** (Pol. Code, 3758.)

Auditor computes penalties and delivers assessment-book to Tax Collector within **ten days thereafter.** (Pol. Code, 3758.)

Tax Collectors deliver assessment-book and delinquent tax list to Auditor on **third Monday in May.** (Pol. Code, 3759.)

Assessor may collect unsecured personal property taxes by seizure and sale, from the time of assessment to the **first Monday in August.** (Pol. Code, 3821.)

Tax Collector must mail notice of deficiency in personal property tax collected by Assessor, at least **fifteen days before commencement of action** for the recovery thereof. (Pol. Code, 3825.)

The Assessor must settle with the Auditor and Treasurer on the **first Monday of each month.** (Pol. Code, 3826.)

Auditor must state account to the Assessor and make demand for uncollected taxes within **fifteen days after the first Monday of August.** (Pol. Code, 3831.)

Assessor must pay Treasurer amount of uncollected taxes which should have been collected within **fifteen days after demand by Auditor.** (Pol. Code, 3831.)

Resale of lands sold to the State for taxes must be made after notice by publishing (or posting when there is no newspaper) for at least **three successive weeks.** (Pol. Code, 3897.)

Notice of such resale must be mailed to party assessed last before the sale, within five days from the first publication. (Pol. Code, 3897.)

Interest is charged by the State at seven per cent from the **first day of July following delinquency.** (Pol. Code, 3897.)

Tax Collectors must report sales by the State to Assessor within **ten days after the sale.** (Pol. Code, 3898.)

Transfer to the university of lands acquired by tax sales upon which a mortgage exists in favor of the regents thereof may be made upon **three weeks'** notice and not less than **four or more than eight weeks** after first publishing or posting. (Pol. Code, 3898a.)

Tax Collector must execute deed to regents within **ten days after date specified in notice.** (Pol. Code, 3898a.)

Action to question the title of regents to such property must be brought within **two years.** (Pol. Code, 3898a.)

Incorporated cities and towns, lighting, water and irrigating districts requiring it, must make request for certified copy of portion of assessment-book on or before the **first Monday in March.** (Pol. Code, 3653.)

Assessor must furnish certified copy of portion of assessment-book to cities, towns, lighting, water and irrigation districts requesting it, on or before the **third Monday in July.** (Pol. Code, 3653.)

Assessor must furnish personal property list to cities, towns, lighting, water and irrigation districts requesting it, on the **first Monday of each month.** (Pol. Code, 3653.)

Board of supervisors determines district losses by withdrawals from local taxation of property taxed for State purposes only in **September** (Stats. 1911, p. 530), and reimburses them for one-half of such loss : **December**, and one-half in **May.** (Stats. 1911, p. 530.)

Where county officers act for municipal corporations, requesting ordinance must be filed with the Auditor on or before the **first Monday in February**. (Stats. 1913, p. 441.)

Where portions of municipal corporations have different rates of taxation, trustees must file description of boundaries with auditor before the **first Monday in July**. (Stats. 1913, p. 442.)

Trustees must fix tax rates not later than **last Tuesday in August**. (Stats. 1913, p. 443.)

### POLL TAX.

Poll tax must be collected by Assessor between the **first Monday in March** and the **first Monday in August** at the rate of \$2.00, and between the **first Monday in August** and **last Monday in December** at the rate of \$3.00. (Pol. Code, 3839, 3840.)

Treasurer must print, number and sign blank \$2.00 poll tax receipts and deliver to Auditor before the **third Monday in February** and the \$3.00 receipts before the **first Monday in August**. (Pol. Code, 3842, 3843.)

Auditor must deliver \$2.00 receipts to Assessor on demand after **third Monday in February**, and \$3.00 receipts on demand after **first Monday in August**. (Pol. Code, 3845.)

Sale of property for poll taxes may be made **after three hours' verbal notice**. (Pol. Code, 3846.)

Assessor must settle with Auditor and Treasurer for poll tax on the **first Monday of each month**. (Pol. Code, 3853.)

Assessor must return unused \$2.00 poll tax receipts to Auditor and settle with Auditor and Treasurer on **first Monday in August**, and return \$3.00 receipts to Auditor and settle with Auditor and Treasurer on the **last Monday in December**. (Pol. Code, 3854.)

Assessor delivers delinquent poll tax to Auditor on **first Monday in January**. (Pol. Code, 3858.)

Auditor delivers delinquent poll tax list to Tax Collector without delay after receiving it from the Assessor. (Pol. Code, 3858.)

Unpaid poll tax is a lien on the **first Monday in March**. (Pol. Code, 3860.)

### CITY TAXES.

Cities of the First Class:

Levy—**Fourth Monday of July**. (Sec. 94, M. C. A.)

Existing laws applicable. (Sec. 286, M. C. A.)

Cities of Second Class:

Levy—**First Monday of October**. (Sec. 325, M. C. A.)

Collected in same manner as county taxes. (Sec. 325, M. C. A.)

Cities of Third Class:

Lien from **first Monday in March**. (Sec. 533, M. C. A.)

Method of collection provided by local ordinances. (Sec. 533, M. C. A.)

Cities of Fourth Class:

Assessment as of **January 1**. (Sec. 641, M. C. A.)

Taxes equalized on **first Monday in April**. (Sec. 642, M. C. A.)

Assessment-roll delivered to City Council **first Monday in May**. (Sec. 643, M. C. A.)

Tax levied **first Monday in May**. (Sec. 644, M. C. A.)



- Lien attaches **first Monday in May**. (Sec. 644, M. C. A.)  
Fiscal year begins **January 1st**. (Sec. 645, M. C. A.)  
Tax list delivered to City Collector, **third Monday of May**. (Sec. 645, M. C. A.)  
Taxes payable, **third Monday of May**. (Sec. 646, M. C. A.)  
Taxes delinquent, **third Monday of June**, 6 P. M., 5% added. (Sec. 647, M. C. A.)  
City Collector delivers delinquent list to City Clerk, **first Monday in July**. (Sec. 648, M. C. A.)  
City Clerk settles with Collector and delivers certified delinquent tax list to him **three days** thereafter. (Sec. 651, M. C. A.)  
City Collector publishes delinquent list on or before **third Monday of July**. (Sec. 651, M. C. A.)  
Tax sale takes place not less than **fourteen** nor more than **twenty-one** days from **first publication** of delinquent tax list. (Sec. 651, M. C. A.)  
Delinquent tax list published three times a week for **two successive weeks**. (Sec. 652, M. C. A.)  
Redemption within **twelve months** from date of purchase. (Sec. 661, M. C. A.)

**Cities of Fifth Class:**

- Procedure fixed by local ordinance. (Sec. 773, M. C. A.)  
Lien attaches **first Monday in March**. (Sec. 773, M. C. A.)  
Redemption within **five years**. (Sec. 773, M. C. A.)  
Taxes equalized **second Monday of August**. (Sec. 774, M. C. A.)

**Cities of Sixth Class:**

- Procedure provided by local ordinance. (Sec. 871, M. C. A.)  
Lien attaches **first Monday in March**. (Sec. 871, M. C. A.)  
Redemption period, **five years**. (Sec. 871, M. C. A.)  
Taxes equalized **second Monday in August**. (Sec. 872, M. C. A.)

**Where County Officers Act for Municipal Corporations:**

- Certified copy of requesting ordinance must be filed with County Auditor on or before **first Monday of February**. (Stats. 1913, p. 442.)  
Description of boundaries of district must be filed on or before **first Monday of July**. (Stats. 1913, p. 442.)  
Tax rate must be fixed not later than **last Tuesday of August**. (Stats. 1913, p. 442.)

**Where County Officers Act for Freeholders of Charter Cities:**

- Copy of requesting ordinance to be filed with Board of Supervisors on or before **first Monday in February**. (Stats. 1913, p. 500.)  
City Clerk to deliver to assessor statement of boundaries of territory to be assessed as soon as practicable after **first Monday in March**. (Stats. 1913, p. 501.)  
County Auditor transmits to City Council valuation of assessed property on or before **second Monday in August**. (Stats. 1913, p. 501.)  
City Clerk certifies tax rate to Auditor not later than **September 1st**. (Stats. 1913, p. 501.)  
Property sold redeemable at **same time** as that sold for county taxes. (Stats. 1913, p. 501.)



**SHERMAN ANTI-TRUST ACT.**

(Act of July 2, 1890, 26 U. S. Stat. 209, U. S. Comp. Stats., p. 3200.)

The Sherman Anti-Trust Act is entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," and provides as follows:

**"§ 1. Trusts, etc., in the States in Restraint of Trade, etc., Illegal—Persons Combining Guilty of Misdemeanor—Penalty.**—Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

**"§ 2. Persons Attempting to Monopolize, etc., Guilty of Misdemeanor—Penalty.**—Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

**"§ 3. Trusts, etc., in Territories or District of Columbia Illegal—Persons Engaged Therein Guilty of Misdemeanor—Penalty.**—Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

**"§ 4. Jurisdiction of United States Circuit Courts—Prosecuting Officers—Procedure—Hearing, etc.—Temporary Restraining Order, etc.**—The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of

shall have been duly notified of such petition the court shall proceed, as soon as may be to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

**“§ 5. Process—Summoning Other Parties—Subpoenas.**—Whenever it shall appear to the court before which any proceeding under section 4 of the act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

**“§ 6. Trusts, etc., Property in Transit—Forfeiture, Seizure and Condemnation.**—Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

**“§ 7. Damages—Litigation—Recovery.**—Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any Circuit Court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

**“§ 8. ‘Person’ or ‘Persons’ Defined.**—That the word ‘person,’ or ‘persons,’ wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, or the laws of any of the Territories, the laws of any State, or the laws of any foreign country.”

## CARTWRIGHT ACT.

(Approved March 23, 1907. Stats. 1907, p. 984.)

**Title.**—An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

**§ 1. A Trust Defined—Exception.**—A trust is a combination of capital, skill or acts by two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them for either, any or all of the following purposes:

1. To create or carry out restrictions in trade or commerce.
2. To limit or reduce the production, or increase the price of merchandise or of any commodity.

3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.

4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this State.

5. To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure, or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every such trust as is defined herein is declared to be unlawful, against public policy and void, provided that no agreement, combination or association shall be deemed to be unlawful or within the provisions of this act, the object and business of which are to conduct its operations at a reasonable profit or to market at a reasonable profit those products which cannot otherwise be so marketed, provided further, that it shall not be deemed to be unlawful, or within the provisions of this act, for persons, firms, or corporations, engaged in the business of selling or manufacturing commodities of a similar or like character, to employ, form, organize or own any interest in any association, firm or corporation, having as its object or purpose the transportation, marketing or delivery of such commodities. [Amendment approved March 20, 1909. Stats. 1909, p. 593. In effect immediately.]

§ 2. **Violation of Act.**—For a violation of any of the provisions of this act by any corporation or association mentioned herein, it shall be the duty of the Attorney General or the district attorney of the proper county, to institute proper suits or *quo warranto* proceedings in any court of competent jurisdiction for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the same under the general statutes of the State.

§ 2½. **Agreements Permitted.**—It shall be lawful to enter into agreements or form associations or combinations, the purpose and effect of which shall be to promote, encourage or increase competition in any trade or industry, or which are in furtherance of trade. [New section approved March 20, 1909. Stats. 1909, p. 594. In effect immediately.]

§ 3. **Foreign Corporations Amenable—Duty of Secretary of State.** Every foreign corporation, as well as every foreign association, exercising any of the powers, franchises or functions of a corporation in

this State, violating any of the provisions of this act, is hereby denied the right and prohibited from doing any business in this State, and it shall be the duty of the Attorney General to enforce this provision by bringing proper proceedings by injunction or otherwise. The Secretary of State shall be authorized to revoke the license of any such corporation or association heretofore authorized by him to do business in this State.

**§ 4. Penalty for Violation of Act.**—Any violation of either or all of the provisions of this act shall be and is hereby declared a conspiracy against trade, and any person who may become engaged in any such conspiracy or take part therein, or aid or advise in its commission, or who shall as principal, manager, director, agent, servant or employee, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, rates, or furnish any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, shall be punished by a fine of not less than fifty (\$50) dollars nor more than five thousand (\$5,000) dollars, or be imprisoned not less than six months nor more than one year, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense.

**§ 5. What Indictment Must Set Out.**—In any indictment, information or complaint for any offense named in this act, it is sufficient to state the purpose or effects of the trust or combination, and that the accused is a member of, acted with or in pursuance of it, or aided or assisted in carrying out its purposes, without giving its name or description, or how, when and where it was created.

**§ 6. Prosecutions, What to Prove—Books and Papers must be Produced When Ordered.**—In prosecutions under this act, it shall be sufficient to prove that a trust or combination, as defined herein, exists, and that the defendant belonged to it, or acted for or in connection with it, without proving all the members belonged to it, or proving or producing any article of agreement, or any written instrument on which it may have been based; or that it was evidenced by any written instrument at all. The character of the trust or combination alleged may be established by proof of its general reputation as such. In case any court of record, or in vacation any judge of said court in which is pending any civil, criminal or other action or proceeding brought or prosecuted by the Attorney General or any district attorney for the violation of any of the provisions of this act or in any action or proceeding for the violation of the law of this State, against conspiracy or combination in restraint of trade so orders, no person so ordered shall be excused from attending, testifying or producing books, papers, schedules, contracts, agreements or any other document in obedience to the subpoena or under the order of such court or any commissioner or referee appointed by said court to take testimony or any notary public or other person or officer authorized by the laws of this State to take depositions when the order made by such court or judge thereof includes a witness whose deposition is being taken before such notary public or other officer on the ground or for the reason that the testimony or evidence required of him may tend to criminate him or subject him to any penalty; but no individual

shall be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, before any such court, person or officer.

**§ 7. Penalty, After Notice by Attorney General.**—Each and every firm, person, partnership, corporation, or association of persons, who shall in any manner violate any of the provisions of this act, shall be for each and every day that such violations shall be committed or continued, after due notice given by the Attorney General or any district attorney, forfeit and pay the sum of fifty (\$50) dollars, which may be recovered in the name of the people of the State of California, in any county where the offense is committed, or where either of the offenders resides; and it shall be the duty of the Attorney General, or the district attorney of any county on the order of the Attorney General to prosecute for the recovery of the same. When the action is prosecuted by the Attorney General against a corporation or association of persons, he may begin the action in the Supreme Court of the county in which defendant resides or does business.

**§ 8. Contracts in Violation of Act Void.**—That any contract or agreement in violation of the provisions of this act, shall be absolutely void and shall not be enforceable either in law or equity.

**§ 9. Provisions Cumulative.**—That the provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this State.

**§ 10. Trust Certificates not Lawful.**—It shall not be lawful for any person, partnership, association or corporation, or any agent thereof, to issue or to own trust certificates, or for any person, partnership, association or corporation, agent, officer, or employee, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation, or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article, and any person, partnership, association or corporation that shall enter into any such combination, contract or agreement for the purpose aforesaid shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than fifty dollars, nor more than five thousand dollars.

**§ 11. Persons Injured in Business by Trust may Sue.**—In addition to the criminal and civil penalties herein provided, any person who shall be injured in his business or property by any other person or corporation or association or partnership, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or any agent resides or is found, or

where service may be obtained, without respect to the amount in controversy, and to recover twofold the damages by him sustained, and the costs of suit. Whenever it shall appear to the court before which any proceedings under this act may be pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending, or not.

§ 12. **"Person" Defined.**—The word "person" or "persons" whenever used in this act, shall be deemed to include corporations, partnerships and associations existing under or authorized by the laws of this State or any other State, or any foreign country.

§ 13. **Labor not a Commodity.**—Labor whether skilled or unskilled is not a commodity within the meaning of this act. [New section approved March 20, 1909. Stats. 1909, p. 594. In effect immediately.]

## UNFAIR COMPETITION ACT.

(Act of June 10, 1913. In effect August 10, 1913.)

§ 1. **Unlawful to Discriminate Between Different Sections in Sale of Commodities.**—It shall be unlawful for any person, firm or corporation, doing business in the State of California and engaged in the production, manufacture, distribution or sale of any commodity of general use or consumption, or the product or service of any public utility, with the intent to destroy the competition of any regular established dealer in such commodity, product or service, or to prevent the competition of any person, firm, private corporation, or municipal or other public corporation, who or which, in good faith, intends and attempts to become such dealer, to discriminate between different sections, communities or cities or portions thereof of this State, by selling or furnishing such commodity, product or service at a lower rate in one section, community or city, or any portion thereof, than in another, after making allowance for difference, if any, in the grade, quality or quantity, and for cost differences between such places due to distance from the point of production, manufacture or distribution and expense of distribution and operation.

**Act Does not Prevent Competitive Rate.**—This act is not intended to prohibit the meeting in good faith of a competitive rate, or to prevent a reasonable classification of service by public utilities for the purpose of establishing rates. The inhibition hereof against locality discrimination shall embrace any scheme of special rebates, collateral contracts or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of this act.

**Officers Responsible.**—Any person, who, either as director, officer or agent of any firm or corporation or as agent of any person, violating the provisions hereof, assists or aids, directly or indirectly, in such violation shall be responsible therefor equally with the person, firm or corporation for whom or which he acts. In the prosecution of any person as officer, director or agent it shall be sufficient to allege



and prove the unlawful intent of the person, firm or corporation for whom or which he acts.

**§ 2. Duty of Attorney General to Prosecute.**—If complaint shall be made to the Attorney General that any corporation is violating section 1 of this act, he shall investigate such complaint and if, in his opinion, sufficient grounds exist therefor, he shall prosecute an action in the name of the people of the State of California in the proper court to annul the charter or revoke the license of such corporation to do business in this State, as the case may be, and to permanently enjoin such corporation from doing business in this State; and if in such action the court shall find that such corporation is violating this act, it may enjoin said corporation from doing business in this State for such time as the court shall order, or may annul the charter, or revoke the license of such corporation, and permanently enjoin it from transacting business in the State.

**§ 3. Illegal Contract Defined.**—Any contract, express or implied, made by any person, firm or corporation in violation of the provisions of section 1 of this act for the sale or furnishing of any commodity, product or service at a rate greater than the lowest rate charged therefor by such person, firm or corporation in any other section, community or city in this State, after making allowance for the cost differences between such place and the place where under the contract such commodity, product or service is delivered or furnished and for difference, if any, in grade, quality or quantity, is declared to be an illegal contract, and no recovery thereon shall be had.

**§ 4. Person Injured may Maintain Action.**—Any person, firm, private corporation or municipal or other public corporation, may maintain an action to enjoin a continuance of any act or acts in violation of section 1 of this act and, if injured thereby, for the recovery of damages. If, in such action, the court shall find that the defendant is violating section 1 of this act, it shall enjoin the defendant from a continuance thereof; it shall not be necessary that actual damage to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant three times the amount of the actual damages, if any, sustained.

**§ 5. Penalty.**—Any person, whether as principal, agent, officer or director, for himself or for another person, or for any firm or corporation, or any corporation, who or which shall violate section 1 of this act, is guilty of a misdemeanor and upon conviction thereof, shall, if a person, be punished by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment, and, if a corporation, by a fine of not more than five thousand dollars.

**§ 6. Constitutionality of Act.**—If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or

phrases be declared unconstitutional. The remedies herein prescribed are cumulative and in addition to the remedies prescribed by the public utilities act for discriminations by public utilities. If any conflict shall arise between this act and the public utilities act, the latter shall prevail.

§ 7. **Purpose of Act.**—The legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. The act shall be liberally construed that its beneficial purposes may be subserved.

## **BANK ACT OF CALIFORNIA.**

### **ARTICLE 1.**

#### **General Provisions.**

§ 1. **Short Title.**—This act shall be known as the "bank act," and shall be applicable to all corporations specified in the next section.

§ 2. **"Bank" Defined.**—The word "bank" as used in this act shall be construed to mean any incorporated banking institution which shall have been incorporated to conduct the business of receiving money on deposit, or transacting a trust business as herein defined.

**Doing a Commercial or Savings Bank Business Defined.**—The soliciting, receiving or accepting of money or its equivalent on deposit as a regular business shall be deemed to be doing a commercial or savings bank business whether such deposit is made subject to check or is evidenced by a certificate of deposit, a pass-book, a note, a receipt or other writing; provided, that nothing herein shall apply to or include money or its equivalent left in escrow or left with an agent, pending investment in real estate or securities for or on account of his principal.

**Unlawful to Engage in Banking Business Except by Corporation.**—It shall be unlawful for any corporation, partnership, firm or individual to engage in or transact a banking business within this State except by means of a corporation duly organized for such purpose.

**Classes.**—Banks are divided into the following classes:

- (a) Savings banks;
- (b) Commercial banks; and
- (c) Trust companies.

§ 3. **Formation of Banking Corporations.**—Corporations may be formed by any number of natural persons, not less in any case than three, under the laws of this State to conduct, as provided in this act, and not otherwise, any one or more or all of the businesses mentioned in divisions (a), (b), and (c) of section 2, of this act.

§ 4. **"Savings Bank" Defined.**—The term "savings bank," when used in this act, means a bank organized for the purpose of accumulating and loaning the funds of its members, stockholders, and depositors, and which may loan and invest the funds thereof, receive

deposits of money; loan, invest and collect the same with interest; and may repay depositors with or without interest, and having power to invest said funds in such property, securities and obligations as may be prescribed by this act; and to declare and pay dividends on its general deposits, and a stipulated rate of interest on deposits made for a stated period or upon special terms.

§ 5. **"Commercial Bank" Defined.**—The term "commercial bank," when used in this act, means any bank authorized by law to receive deposits of money, deal in commercial paper or to make loans thereon, and to lend money on real or personal property, and to discount bills, notes, or other commercial paper, and to buy and sell securities, gold and silver bullion, or foreign coins or bills of exchange.

§ 6. **"Trust Company" Defined.**—The term "trust company," when used in this act, means any corporation which is incorporated under the laws of this State for the purpose of conducting the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee under appointment of any court or by authority of any law of this State, or as trustee for any purpose permitted by law.

§ 7. **Assigned Capital of Foreign Banking Corporation.**—No foreign corporation shall transact a banking business in this State without first complying with all the requirements of the laws of this State relative to banks as defined in this act, and without having assigned to its business in this State the amount of paid-up capital and surplus required by this act for the transaction of such business within this State. No foreign banking corporation shall transact business in this State until such corporation has made the assignment of capital required by this section and has received a certificate from the superintendent of banks. Any foreign banking corporation transacting business in this State shall become subject to the supervision of the State superintendent of banks. Every foreign banking corporation, including those which were on January second, nineteen hundred thirteen, transacting business in this State, which receives any deposits or transacts any other banking business or transacts its business in such a manner as might lead the public to believe that its business is that of a bank shall conduct all its business in accordance with the statutes governing incorporated banking institutions organized under the laws of this State.

**Capital Assigned to be Kept Separate.**—The capital of any such foreign banking corporation assigned to its business in this State and all funds and deposits of money received by any such corporation in this State or for or in connection with its business in this State and all accounts and transactions of said business transacted by any such foreign corporation in this State shall be kept separate and apart from the general business, assets and accounts of such foreign corporation in the same manner as if the business of such foreign corporation conducted within this State was that of a separate and independent corporation organized under the laws of this State for the purpose of doing a banking business and all of the provisions of this act affecting investments, loans of money, receiving deposits and con-

ducting business in any respect shall be deemed to apply to such assigned capital, investments, loans, deposits, assets, funds and business in the same manner as if such assigned capital, investments, loans, deposits, assets, funds and business were that of such separate and independent corporation.

**Loans Based on Entire Capital and Surplus.**—Provided, that loans may be made by any such foreign corporation based on its entire paid-up capital and surplus in case such foreign corporation shall have assigned to its business in this State a paid-up capital and surplus as above provided equal to twenty per centum of the deposit liability of such branch agency or office to residents of this State.

**Funds Appropriated to Security of Deposits.**—Such funds and investments or loans thereof shall be appropriated solely to the security and payment of such deposits, and shall not be mingled with the investments of the capital stock or other money or property belonging to such corporation or be liable for the debts or obligations thereof. All income received from the investment of said funds over and above such funds as may be paid to depositors as interest or shall be carried to the surplus fund, as provided in section 21 of this act, shall accrue as profits to the corporation and may be transferred to its general funds.

**Appointment of Superintendent of Banks as Agent for Service of Process.**—No such foreign corporation shall transact any banking business in this State until it has executed and filed with the superintendent of banks a written instrument appointing such superintendent or his successor in office, its true and lawful attorney, upon whom all process issued by authority of or under any law of this State may be served, with the same effect as if such corporation was formed under the laws of this State and had been lawfully served with process therein.

**Duty of Superintendent on Service of Process—Fee.**—Such service upon such attorney shall be deemed personal service on such corporation. The superintendent of banks shall forthwith forward by mail, postage prepaid, a copy of every process served upon him under the provisions of this section, addressed to the manager or agent of such corporation, at its principal place of business in this State. For each copy of process, the superintendent of banks shall collect the sum of two dollars, which shall be paid by the plaintiff or moving party at the time of the service, to be recovered by him as a part of his taxable costs if he succeed in the suit or proceeding.

**Trust Powers Forbidden—Foreign Trust Companies may Act as Executors, etc.**—No foreign corporation shall have or exercise in this State the power to receive deposits of trust moneys, securities or other personal property from any person or corporation or any of the powers specified in section 6 of this act, nor have or maintain an office in this State for the transaction of, or transact, directly or indirectly, any such or similar business, except that a trust company incorporated in another State may be appointed and may accept appointment and may act in this State as executor of or trustee under the last will and testament of any deceased person, upon giving the bond required in

such cases of individuals unless waived by the last will and testament making such appointment and by taking and subscribing an oath for faithful performance of such trust by the president, vice-president, secretary, manager or trust officer of said corporation; provided, that similar corporations organized under the laws of this State are permitted by law to act as such executor or trustee in the State where such foreign corporation was organized; and

**Superintendent Shall be Attorney of Foreign Corporation—Executor.** Provided, further, that such superintendent of banks, for the time being, shall be the attorney of such foreign corporation qualifying or acting in this State as such executor or trustee, upon whom process against such foreign corporation may be served in any action or legal proceeding against such executor or trustee affecting or relating to the estate or property represented or held by such executor or trustee, or any act or default of such foreign corporation in reference to such estate or property,

**Duty of Corporation so Qualifying to File Copy of Articles of Incorporation.**—And it shall be the duty of any such foreign corporation so qualifying or acting to file in the office of said superintendent of banks a copy of its articles of incorporation, or of the statute chartering such corporation, certified by its secretary under its corporate seal, together with the postoffice address of its home office, and a duly executed appointment of said superintendent of banks as its attorney to accept service of process as above provided.

**Superintendent to Mail Papers.**—And said superintendent of banks, when any such process is served upon him, shall at once mail the papers so served to the home office of such corporation; and

**No Foreign Corporation Executor to Maintain Agency—Penalty.**—Provided, further, that no foreign corporation having authority to act as executor of or trustee under the last will and testament of any deceased person shall establish or maintain, directly or indirectly, any branch office or agency in this State, or shall in any way solicit, directly or indirectly, any business as executor or trustee therein, and that for any violation of this proviso, the court having jurisdiction of such executor or trustee in said proceeding may in its discretion, revoke the right of such foreign corporation thereafter to act as executor or trustee therein.

**Foreign Corporation may Lend Moneys not Part of Assigned Capital.**—Provided, that nothing in this act shall limit or affect the right of any foreign corporation doing a banking business in this State, to lend within the State, moneys of such corporation which do not form a part of the moneys, deposits or assets of such corporation assigned or belonging to its business in this State.

**§ 8. Papers Accompanying Application for Certificate of Authority.**—Every corporation at the time it applies for a certificate of authority to do a banking business, must file with the superintendent of banks a certified copy of its articles of incorporation, or of the statute chartering such corporation, a certified copy of its by-laws, and also a certified copy of all instruments amending or altering such articles of incorporation or charter or by-laws. Thereafter a certified

copy of each amendment or certificate shall likewise be so filed before such instrument takes effect. There must also be filed in the office of the superintendent of banks before he shall issue his certificate a certified copy of the affidavit required by section 290a of the Civil Code. Each certification required by the provisions of this section other than that of by-laws must be by the Secretary of State.

**§ 9. Branch Banks, Approval of.**—No bank in this State, or any officer or director thereof, shall hereafter open or keep an office other than its principal place of business, without first having obtained the written approval of the superintendent of banks to the opening of such branch office, which written approval may be given or withheld in his discretion, and shall not be given by him until he has ascertained to his satisfaction that the public convenience and advantage will be promoted by the opening of such branch office.

**Capital.**—Provided, that no bank or any officer or director thereof, shall open or maintain any such branch office unless the capital of such bank, actually paid in, in cash, shall exceed the amount required by this act by the sum of twenty-five thousand dollars for each branch office opened and maintained.

**Certificate of Authority—Fee.**—Every bank, before it opens a branch office, shall obtain the certificate of authority of the superintendent of banks for the opening of each of said branch offices. The applicant shall pay for such certificate a fee of fifty dollars.

**Collection of Savings from School Children.**—Provided, however, that, in order to encourage savings among the children of the schools of this State, a bank may, with the written consent of and under regulations approved by the superintendent of banks, and, in the case of public schools, by the board of education or board of school trustees of the city or district in which the school is situated, arrange for the collection of savings from the school children by the principal or teachers of such schools or by collectors. The principal, teacher or person authorized by the bank to make collections from the school children shall be deemed to be the agent of the bank and the bank shall be liable to the pupil for all deposits made with such principal, teacher or other person, the same as if the deposits were made by the pupil directly with the bank.

**Penalty for Violation.**—Every bank and every such officer or director violating the provisions of this section shall forfeit to the people of the State the sum of one hundred dollars for every day during which any branch office hereafter opened shall be maintained without such written approval.

**§ 10. Qualifications of Directors.**—No person shall be eligible for election as director of a bank having a capital stock unless he is a stockholder of the bank, owning, in his own right, shares thereof of the par value of at least five hundred dollars; and every person elected to be director who, after such election, shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such stock as security for any loan or debt shall immediately notify the superintendent of banks in writing of such sale or hypothecation and such director may be removed from

the office of director by the superintendent of banks. If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank.

**§ 11. Meetings—Oath.**—The board of directors of a bank must hold a meeting at least once a month. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate or willfully permit to be violated any of the provisions of law applicable to such bank, and that he is the owner in good faith and in his own right of shares of stock of the par value required by section ten of this act, subscribed by him or standing in his name on the books of the bank, and that the same to an amount equal to the par value of at least five hundred dollars, are not hypothecated or in any way pledged as security for any loan or debt. Such oath shall be subscribed by the director making it, certified by the officer before whom it is taken, and immediately transmitted to the superintendent of banks and filed and preserved in his office.

**§ 12. Acts Forbidden to Those not Required to Report to Superintendent.**—No person, firm, company, copartnership or corporation, either domestic or foreign, not subject to the supervision of the superintendent of banks, and not required, by the provisions of this act, to report to him, and which has not received a certificate to do a banking business from the superintendent of banks, shall advertise that he or it is receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or shall make use of any office sign, at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, that deposits are received there or payments made on check, or any other form of banking business transacted, nor shall any such person or persons, firm, company, copartnership or corporation, domestic or foreign, make use of or circulate any letter-heads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank or trust company; nor shall any person, firm, company, copartnership or corporation, or any agent of a foreign corporation not having an established place of business in this State, solicit or receive deposits or transact business in the way or manner of a bank, savings bank or trust company, or in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank or trust company. Nor shall any person, firm, company, copartnership or corporation, domestic or foreign, not subject to the supervision of the superintendent of banks, and not required by the provisions of this act to report to him, and which has not received from the superintendent of banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word "bank," or "banker," or "banking," or "savings bank," or "savings" or "trust" or "trustee" or "trust company";

**Certain Building and Loan Associations Excepted.**—Provided, that this section shall not apply to the corporate name of any building and loan association now or heretofore doing business in this State; and provided, further, that any such association having in its corporate name words not clearly indicating the nature of its business shall, on all signs, letter-heads and advertising matter, state "This is a building and loan association," or words to that effect.

**Acts Permitted to Building and Loan Associations.**—And provided, further, that any building and loan association may borrow money, issue investment certificates or evidences of indebtedness, stating the rate of interest and terms and conditions of repayment, and do such other business as may be authorized by the laws of the State relating to building and loan associations; and provided, further, that no such association shall advertise or hold itself out to the public as a savings bank.

**Penalty for Violation.**—Any person, firm, company, copartnership or corporation, domestic or foreign, violating any provision of this section shall forfeit to the State one hundred dollars a day for every day or part thereof during which such violation continues.

**Injunction.**—Upon action brought by the superintendent of banks the court may issue an injunction restraining any such person, firm, company, copartnership or corporation from further using such words in violation of the provisions of this section or from further transacting business in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank or trust company during the pendency of such action and for all time and may make such other order or decree as equity and justice may require.

**§ 12a. Every Person or Corporation Doing Certain Acts Enumerated must Comply With Bank Act.**—Every person, firm, company, copartnership or corporation, domestic or foreign, advertising that he or it is receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or advertising that he or it is transacting the business of a bank, savings bank or trust company, or making use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank, or trust company, or that deposits are received there or payments made on check, or that interest is paid on deposits, or that certificates of deposit, either with or without interest are being issued, or that any other form of banking business is transacted, and every person, firm, company, copartnership or corporation, domestic or foreign, making use of or circulating any letter-heads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name, or advertising that such business is the business of a bank, savings bank or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, and must have received from the superintendent of banks, as provided for in this act, a certificate to do a banking business.



**Penalty for Violation.**—Any person, firm, company, copartnership or corporation, domestic or foreign, violating any provision of this section shall forfeit to the State one hundred dollars a day for every day or part thereof during which such violation continues.

**Injunction.**—Upon action brought by the superintendent of banks the court may issue an injunction restraining any such person, firm, company, copartnership or corporation from further violating any provision of this section, and may make such further order or decree as equity and justice may require.

**Authority to Examine.**—Every person, firm, company, copartnership or corporation doing any of the things or transacting any of the business defined in this section, must transact such business according to the provisions of the bank act, and the superintendent of banks or his deputy or examiners shall have authority to examine the accounts, books and papers of every such person, firm, company, copartnership or corporation, domestic or foreign, in order to ascertain whether such person, firm, company, copartnership or corporation has violated or is violating any provisions of this section.

**Exception as to Building and Loan Associations.**—Provided, that this section shall not apply to the corporate name of any building and loan association now or heretofore doing business in this State; and provided, further, that any such association having in its corporate name words not clearly indicating the nature of its business shall, on all signs, letter-heads and advertising matter, state: "This is a building and loan association," or words to that effect; and provided, further, that any building and loan association may borrow money, issue investment certificates or evidences of indebtedness, stating the rate of interest and terms and conditions of repayment, and do such other business as may be authorized by the laws of the State relating to building and loan associations; and provided, further, that no such association shall advertise or hold itself out to the public as a savings bank.

**§ 12b. Previously Admitted Foreign "Life Insurance and Trust Companies."**—Nothing in this act shall be construed or held to apply to any corporation organized under the laws of any other State which is authorized by its charter or articles of incorporation to transact the business of life insurance and also to be known as and to transact business as a trust company and which shall have complied with the laws of this State affecting the transaction in this State of the business of life insurance by a foreign corporation and which shall have heretofore engaged in such business of life insurance in this State, in such manner as to forbid or prevent its making use of its corporate title in its life insurance business in this State in any such way and to any such extent as it might have made use of the same if this act had not been passed.

**§ 12c. Certain Foreign Corporations not Engaged in Banking may Lend Money.**—Any corporation organized under the laws of any country or State other than this State which has complied with all of the laws of this State pertaining to foreign corporations and is not engaged in the business of banking or receiving money on deposit in this State may lend money in this State and, for that purpose, may

maintain offices in this State, and sue and be sued in this State under its proper corporate name, notwithstanding any prohibitions contained in this act as to the use of any words in the name, signs or advertising matter of corporations not under the supervision of the superintendent of banks.

§ 13. [Repealed 1913.]

§ 14. **Advertisement of Capital Stock—Statement.**—No bank, or officer thereof, shall advertise in any manner, or publish any statement of the capital authorized or subscribed, unless it or he advertise and publish in connection therewith, the amount of capital actually paid up. No bank shall publish a statement of its resources or liabilities in connection with those of any other bank, unless such statement shall show the resources and liabilities of each bank separately; nor shall surplus and undivided profits be advertised as an aggregate.

§ 15. **Unclaimed Deposits.**—All amounts of money heretofore or hereafter deposited with any bank to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof or the interest, and which shall have remained unclaimed for more than twenty years after the date of such deposit, or withdrawal of any part of principal or interest, and for which no claimant is known or the depositor cannot be found, shall, with the increase and proceeds thereof, be deposited with the State treasurer in the same manner and subject to the same distribution as provided for in section 1234 of the Code of Civil Procedure.

**Annual Statement of Unclaimed Deposits, and Deceased Depositors.**—The president or managing officer of every bank must, within fifteen days after the first day of January of every year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding twenty years and at the same time it shall be the duty of the president or managing officer of every bank to furnish to the State controller a list of the names of all depositors to whom said moneys belong or to whom said bank owes the same. Such statement shall show in detail the following matters, viz.:

First—The name and last known place of residence or postoffice address of the person making such deposit;

Second—The amount and date of such deposit and whether the same are in moneys or securities, and if the latter, the nature of the same;

Third—The interest due on such deposit, if any, and the amount thereof;

Fourth—The sum total of such deposit, together with the interest added thereto due from such bank on account of such deposit or deposits and interest thereon to such depositor, but nothing contained herein shall require any corporation or person renting lock boxes or safes in vaults for storage purposes to open or report concerning property stored therein. Such report itemized as aforesaid shall be signed by the person making the same and shall be sworn to before a person competent to administer oaths as a full, complete and truthful statement of each of the items therein contained.

**Biennial Statement.**—The president or managing officer of every bank must, within fifteen days after the first day of January of every odd-numbered year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding ten years. Such statements shall show the amount of the account, the depositor's last known place of residence or postoffice address, and the fact of death, if known to such president or managing officer.

**Publication of Biennial Statement.**—Such president or managing officer must give notice of these deposits in one or more newspapers published in or nearest to the town or city where such bank has its principal place of business, at least once a week for four consecutive weeks, the cost of such publication to be paid *pro rata* out of such unclaimed deposits.

**Certain Deposits to be Omitted.**—This section does not apply to any deposit made by or in the name of a person known to the president or managing officer to be living, or which, with the accumulation thereon, is less than fifty dollars. The superintendent of banks must incorporate in his subsequent report such returns made to him as provided in this section.

**Penalty for Default.**—If any president or managing officer of any bank neglects or refuses to make the sworn statement required by this section, such bank shall forfeit to the State of California the sum of one hundred dollars a day for each day such default shall continue. Any president or managing officer of any bank who violates any of the provisions of this section shall forfeit to the State of California the sum of one hundred dollars a day for each and every day such violation shall continue.

**Unclaimed Deposits in Transferred and Consolidated Bank.**—For the purposes of this section all deposits received by any bank under the provisions of section 31 or section 31a of this act shall be deemed to have been deposited with such bank at the time the deposit was made with the bank from which the deposit was transferred;

**Deposit With State Treasurer.**—Provided, that any bank which shall make any deposit with the State Treasurer in conformity with the provisions of this section shall not thereafter be liable to any person for the same and any action which may be brought by any person against any bank for moneys so deposited with the State Treasurer shall be defended by the Attorney General without costs to such bank.

**§ 16. Deposit of Married Woman or Minor.**—When any deposit with a bank shall be made by or in the name of any married woman or minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends, if any, and interest, if any, thereon to the person in whose name deposits shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the bank.

**Deposit in Trust for Another.**—When any deposit with a bank shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest, if any, thereon, may be paid to the person for whom the deposit was made.

**Deposit by Joint Tenants.**—When a deposit with a bank shall be made by any person in the names of such depositor and another person or persons, and in form to be paid to either or the survivor or survivors of them, such deposit thereupon and any additions thereto made by either of such persons upon the making thereof, shall become the property of such person as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either during the lifetime of all or any or to the survivor or survivors after the death of one or more of them, and such payments and the receipt or acquittance of the one to whom such payment is made shall be valid and sufficient release and discharge to said bank for all payments made on account of such deposit.

**Deposits Under Five Hundred Dollars Paid Without Administration.**—The surviving husband or wife or the guardian of the estate of any insane or incompetent husband or wife of any deceased person, or, if no husband or wife is living, then the children or the guardian of the estates of any minor or insane or incompetent children of said decedent, or, if no children are living, then the father or mother or guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father or mother is living, then the brothers and sisters or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; provided, such deposit shall not exceed the sum of five hundred dollars.

**Affidavit and Receipt of Affiant.**—Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife or the guardian of the estate of an insane or incompetent surviving husband or wife, as the case may be, of said decedent, or stating that decedent left no husband or wife, and that affiant is, or affiants are, the children, or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of said decedent, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of said decedent, and that the whole amount that decedent left on deposit in any and all banks of deposit of this State, does not exceed the sum of five hundred dollars, may pay to said affiant or affiants, any deposit

of said decedent, if the same does not exceed the sum of five hundred dollars, and the receipt of such affiant is sufficient acquittance therefor.

**Letters of Guardianship.**—Provided, however, that whenever the affidavit herein mentioned is made by any guardian it shall be accompanied by a certified copy of the letters of guardianship issued to such guardian attached to a certificate of the clerk of the court having appointed such guardian to the effect that the said letters of guardianship have not been revoked.

**§ 17. List of Stockholders and Notice Showing Directors and Stock Held.**—Every bank now in existence or hereafter organized shall keep in its offices, in a place accessible to the stockholders, depositors, and creditors thereof, and for their use, a book containing a list of stockholders in such corporation, and the number of shares of stock held by each; and every such bank shall keep posted in its office, in a conspicuous place, accessible to the public generally, a notice signed by the president or secretary, showing:

1. The names of the directors of such bank.
2. The number and the par value of the shares of stock held by each director.

The entries on such book and such notice shall be made and posted within twenty-four hours after any transfer of stock, and shall be *prima facie* evidence against each director and stockholder of the number of shares of stock held by each.

**§ 18.** [Repealed 1913.]

**§ 19. Aggregate of Paid-up Capital and Surplus.**—The aggregate of paid-up capital together with the surplus, of every commercial bank, must equal ten per centum of its deposit liabilities; such deposit liabilities shall not be increased when such proportion of paid-up capital and surplus is wanting, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act.

**Paid-up Capital, Surplus and Reserve Fund of Savings Bank.**—Provided, however, that the aggregate of paid-up capital and surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities:

- (a) Ten per centum of any amount up to and including two million dollars.
- (b) Seven and one-half per centum of any amount in excess of two million dollars up to and including five million dollars.
- (c) Five per centum of any amount in excess of five million dollars up to and including fifteen million dollars.
- (d) Two and one-half per centum of any amount in excess of fifteen million dollars up to and including forty million dollars.
- (e) One per centum of any amount in excess of forty million dollars.

The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained.

**§ 20. Depositary Bank Reserve.**—Every commercial bank receiving deposits as a depositary bank of other banks shall have at all times as its lawful money reserve an amount equal to twenty per centum of the aggregate amount of its deposits. Two-fifths of such reserve shall be in its own keeping in lawful money of the United States, or gold certificates or silver certificates of the United States. The remaining three-fifths thereof may consist of moneys on deposit subject to call with any bank or banks in this State other than a savings bank; or one-half of such three-fifths or any less portion thereof may consist of moneys on deposit subject to call with any bank or banks in the cities of New York, Chicago or St. Louis, other than a savings bank, and the balance of such three-fifths, of moneys on deposit subject to call with any bank or banks in this State other than a savings bank.

**Reserve of Nondepositary Banks.**—Every commercial bank not receiving deposits as a depositary bank of other banks shall have at all times as its lawful money reserve, an amount equal to fifteen per centum of the aggregate amount of its deposits. Two-fifths of such reserve shall be in its own keeping in lawful money of the United States, or gold certificates or silver certificates of the United States. The remaining three-fifths thereof may consist of moneys on deposit subject to call with any bank or banks in this State other than a savings bank; or, one-half of such three-fifths or any less portion thereof may consist of moneys on deposit subject to call with any bank or banks in the cities of New York, Chicago or St. Louis, other than a savings bank, and the balance of such three-fifths, of moneys on deposit subject to call with any bank or banks in this State other than a savings bank.

**Impaired Reserve.**—If the lawful money reserve of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or by paying any dividends from profits until the full amount of its lawful money reserve has been restored.

**Notice to Restore.**—The superintendent of banks may notify any bank whose lawful money reserve shall be below the amount herein required, to restore such reserve; and, if it shall fail for thirty days thereafter to restore such lawful money reserve, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; provided, that all deposits of money herein permitted or required shall comply with the provisions of section 43 of this act.

**§ 21. Dividends.**—The directors of any bank having a capital stock may, at certain times, and in such manner as its by-laws prescribe, declare and pay dividends to depositors and stockholders of so much of the profits of the bank, and of the interest arising from the capital, surplus and deposits, as may be appropriated for that purpose under its by laws or under its agreements with depositors.

**Surplus.** But every such bank shall, before the declaration of any such dividend, carry at least one-tenth part of the net profits of the stockholders for the preceding half year, or for such period as is

covered by the dividend, to its surplus, until such surplus shall amount to twenty-five per centum of its paid-up capital stock.

**Surplus may be Converted into Capital.**—The whole or any part of such surplus, if held as the exclusive property of the stockholders, may at any time be converted into paid in capital, in which event such surplus shall be restored in the manner above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock.

**Losses.**—Subject to the provisions of section 19 of this act, any losses sustained by any such bank in excess of its undivided profits may be charged to and paid from its surplus, in which event such surplus shall be restored in the manner above provided, to the amount required by law; provided, however, that any bank which has invested any portion of its surplus in its bank premises, furniture and fixtures, vaults, or safe deposit vaults, and boxes necessary or proper to carry on its banking business shall not be permitted to charge any loss to that portion of its surplus so invested. A larger surplus may be created and nothing herein contained shall be construed as prohibitory thereof. The capital and assets of any such bank are a security to depositors and stockholders, depositors having the priority of security over stockholders.

**§ 21a. Preference.**—No bank, banker, or bank officer, shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security, except as otherwise authorized by law; provided that any commercial bank, or commercial department of a departmental bank, may borrow money for temporary purposes, and may pledge assets of said commercial bank, or commercial department of said departmental bank, not exceeding fifty per centum in excess of the amount borrowed, as collateral security therefor.

**Public Moneys not Construed as Borrowed Money.**—Provided, that any public moneys, or postal savings moneys, deposited with any such bank under any provision of law, shall not be construed as "borrowed money" within the meaning of this section.

**Restriction on Borrowing Power.**—No bank shall at any time, without permission of the superintendent of banks, borrow an amount exceeding the amount of its paid-up capital stock and surplus at such time actually paid in and remaining undiminished by losses or otherwise.

**Partial Payments upon Certificate of Deposit.**—No bank shall make partial payments upon any certificate of deposit.

**Nonadmitted Assets.**—In no case shall an overdraft of more than ninety days standing be allowed as an asset of any bank. Any debt due to any commercial bank, on which interest is past due and unpaid for the period of one year, unless the same is well secured, and is in process of collection, shall be considered a bad debt and shall be charged off to the profit and loss account at the expiration of that time.

**§ 22. Bank may Combine Business of Bank and Trust Company but not Title Insurance.**—Any corporation authorized by its articles of incorporation so to do, may combine the business of a commercial bank and savings bank and trust company, or any one or more or all

of them; provided, that no corporation authorized to transact a trust business and which is also organized to engage in the business of title insurance, shall engage in or combine the business of a commercial bank or savings bank.

§ 23. **Departmental Business—Segregation of Capital and Surplus.** When a bank desires to do a departmental business, it shall first obtain the consent of the superintendent of banks, and in its application therefor, file a statement making a segregation of its capital and surplus for each department. Such capital and surplus, when so apportioned and approved by the superintendent of banks, shall be considered and treated as the separate capital and surplus of such department as if each department was a separate bank. Thereafter a bank may, from time to time, with the previous consent and approval of the superintendent of banks and subject to the provisions of section 19 of this act, change any segregation and apportionment of capital and surplus previously made and make a new segregation and apportionment of its capital and surplus.

**Capital Stock of Departmental Banks.**—Every bank hereafter organized doing a departmental business shall have paid up, in cash, capital stock as follows:

(a) **Population 5,000.**—In any locality in which the population does not exceed five thousand persons, not less than twenty-five thousand dollars if it transacts both a commercial and savings business, or not less than one hundred twenty-five thousand dollars, if it transacts both a commercial and trust business, or not less than one hundred twenty-five thousand dollars if it transacts both a savings and trust business and not less than one hundred twenty-five thousand dollars if it transacts a commercial, savings and trust business.

(b) **Population More than 5,000, not Exceeding 25,000.**—In any city in which the population is more than five thousand persons, but does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it transacts both a commercial and savings business, or not less than one hundred fifty thousand dollars if it transacts both a commercial and trust business, or not less than one hundred fifty thousand dollars if it transacts both a savings and trust business, and not less than one hundred fifty thousand dollars if it transacts a commercial, savings and trust business.

(c) **Population More Than 25,000, not Exceeding 100,000.**—In any city in which the population is more than 25,000 persons but does not exceed one hundred thousand persons, not less than one hundred thousand dollars, if it transacts both a savings and trust business, and not less than two hundred thousand dollars if it transacts both a commercial and trust business, or not less than two hundred thousand dollars if it transacts both a savings and trust business, and not less than two hundred thousand dollars if it transacts a commercial, savings and trust business.

(d) **Population More Than 100,000, not Exceeding 200,000.**—In any city in which the population is more than one hundred thousand persons, but does not exceed two hundred thousand persons, not less than two hundred thousand dollars, if it transacts both a commercial and



savings business, or not less than four hundred thousand dollars if it transacts both a commercial and trust business, or not less than four hundred thousand dollars if it transacts both a savings and trust business, and not less than four hundred thousand dollars if it transacts a commercial, savings and trust business.

(e) **Population Exceeding 200,000.**—In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it transacts both a commercial and savings business, or not less than five hundred thousand dollars if it transacts both a commercial and trust business, or not less than five hundred thousand dollars if it transacts both a savings and trust business, and not less than five hundred thousand dollars if it transacts a commercial, savings and trust business.

**Excepted Banks.**—The foregoing classification shall not apply to any bank already in existence which has received from the superintendent of banks a certificate to do a banking business; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception. The capital stock referred to herein shall be increased from time to time and to the same extent as provided for in section 19 of this act.

**Population—How Determined.**—For the purposes of this act, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this State, shall be deemed to be the population of any city in which any such bank is to be organized. If the principal place of business of any bank so organized is located outside of the corporate limits of any city, then the population of that portion of the judicial township in which said bank is to have its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classification under the provisions of this act.

**§ 24. Certificate for Each Department—Fee.**—Every bank, before it commences to do business or before it opens a new department and commences to transact business in or under such new department, shall obtain the certificate of the superintendent of banks for the opening of each of the departments specified. Each certificate herein provided for shall be given when the superintendent shall, by the examination required by this act, have satisfied himself that the proper amount of cash has been paid in as capital and the provisions of this act complied with. The applicant shall pay for the certificate for each department a fee of fifty dollars.

§ 25. **Department Reserve.**—Every bank shall maintain for each department a lawful money reserve equal in amount to that required by this act for the respective business conducted, and shall keep separate and distinct the lawful money reserve of any department from that of any other department.

**Deposits of Departments.**—And all deposits made with other banks, whether temporary or otherwise, shall be assets of the respective departments by which they were made, and shall be so carried on the books of such other banks, and shall be repaid only upon the order of the department to whose credit they stand. No department shall receive deposits of any other department of the same corporation; except that a trust department may make deposits of trust or any other funds under its control with the commercial or savings department of the same corporation.

**Transfer from One Department to Another.**—Provided, however, that any bank having departments shall have the right to sell and transfer any bonds, securities or loans from one department to another upon receipt of the actual value thereof, if such bonds, securities or loans are, under the provisions of this act, a legal investment for the department purchasing the same.

§ 26. **Books of Account for Each Department.**—Every bank having different departments shall keep separate books of account for each department of its business, and shall be governed as to all deposits, reserves, investments and transactions relating to each department by the provisions in this act specifically provided for the respective kind of business.

**Investments.**—It shall keep all investments relating to the savings department entirely separate and apart from the investments of its other department or departments.

**All Departments—One Building—Cash, Securities and Property of Departments not to be Mingled.**—Every bank shall conduct the business of all its departments in one building, or in adjoining buildings, and shall keep entirely separate and apart in each department the cash, securities and property belonging to such department, and shall not mingle the cash, securities and property of one department with that of another.

§ 27. **Assets Held Solely for Depositors of Each Department.**—All money and assets belonging to each department, whether on hand or with other banks, and the investments made, shall be held solely for the repayment of the depositors and other claimants of each such department, as herein provided, until all depositors and other claimants of each such department shall have been paid, and the overplus then remaining shall be applied to any other liabilities of such bank.

§ 28. **Bank must Use Word "Savings," "Trust" or "Commercial."** Every bank in this State must, on all its window signs and in advertising, and on letter-heads and other stationery on which its business is transacted, use the word "savings" if it conducts a savings business, or the word "trust" if it conducts a trust business, and the word "commercial" if it conducts a commercial business.

**§ 29. Mutual Banks may Issue Capital Stock How.**—Every corporation heretofore created under the laws of this State, doing a banking business therein, and which has no capital stock, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner as corporations formed under the provisions of part IV, title I, chapter I, article I, of the Civil Code, relating to the formation of corporations; provided, that no such corporation shall use or convert any moneys or funds theretofore belonging to it, or under its control, into capital stock; but such funds or moneys must be held and managed only for the purposes and in the manner for which they were created.

**Call for Meeting.**—Before such change is made, a majority of the members of such corporation present at a meeting called for the purpose of considering the proposition whether it is best to have a capital stock, its amount, and the number of shares into which it shall be divided, must vote in favor of having a capital stock, fix the amount thereof, and the number of shares into which it shall be divided.

**Notice of Time and Place.**—Notice of the time and place of holding such meeting, and its object, must be given by the president of such corporation by mailing notice of such meeting to each member of such corporation at his last known postoffice address at least ten days prior to the day fixed for such meeting, and by publication in some newspaper printed and published in the county, or city and county, in which the principal place of business of the corporation is situated, at least once a week for three successive weeks prior to the holding of the meeting.

**Certificate of Proceedings.**—A copy of the proceedings of this meeting, giving the number of persons present, the votes taken, the notice calling the meeting, the proof of its publication, the amount of capital actually subscribed, and by whom, all duly certified by the president and secretary of the corporation, must be filed in the office of the Secretary of State and clerk of the county where the articles of incorporation are filed. Thereafter such corporation is possessed of all the rights and powers, and is subject to all the obligations, restrictions, and limitations, as if it had been originally created with a capital stock.

**§ 30. Safe Deposit Department.**—Any bank may conduct a safe deposit department, but shall not invest more than one-tenth of its capital and surplus in such safe deposit department.

**§ 31. Sale of Business.**—Any bank may sell the whole of its business or the whole of the business of any of its departments to any other bank which may purchase such business after obtaining the consent of the stockholders of the selling and of the purchasing banks holding of record at least two-thirds of the issued capital stock of each of such corporations; such consent to be expressed either in writing executed and acknowledged by such stockholders and attached to the instrument of sale, or to a copy thereof, or by a vote at a stockholders' meeting of each of such banks called for that purpose.

**Agreement of Sale and Purchase.**—The selling and purchasing banks must for such purposes enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions con-

nected with such sale and purchase. Such agreement shall contain proper provision for the payment of liabilities of the selling bank or of the department sold, and in this particular shall be subject to the approval of the superintendent of banks; and shall not be valid until such approval is obtained. Such agreement may contain provisions for the transfer of all deposits to the purchasing bank, subject, however, to the right of every depositor of the selling bank to withdraw his deposit in full on demand after such transfer, irrespective of the terms under which it was deposited with the selling bank.

**Rights of Creditors, Depositors, Trustees and Beneficiaries of Trusts.** The rights of creditors of the selling bank shall not in any manner be impaired by any such sale, nor shall any liability or obligation for the payment of any money due or to become due, or any claim or demand, in any manner, or for any cause existing against such selling bank or against any stockholder thereof, be in any manner released or impaired, and all the rights, obligations and relations of all the parties, creditors, depositors, trustees and beneficiaries of trusts shall remain unimpaired by the sale, but such bank to which the other shall sell all its business or all the business of any of its departments, shall succeed to all such relations, obligations, trusts and liabilities and be held liable to pay and discharge all such debts and liabilities and to perform all such trusts of the selling bank in the same manner as if such bank to which the other had sold had itself incurred the obligation or liability or assumed the relation of trust, and the stockholders of the respective corporations so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them as such at or before such sale.

**Notice.**—Immediately after the execution of such agreement of sale and purchase notice thereof shall be published for at least four successive weeks in a newspaper in each of the counties of the State in which either of such banks shall have its principal place of business.

**Limitation of Action.**—Provided, however, that no action can be brought against such selling bank or any of its stockholders on account of any deposits so transferred after the expiration of one year from the last day of publication herein required.

**Affidavit Showing Publication.**—An affidavit showing such publication shall be filed in the office of the superintendent of banks within ten days after the last publication thereof. The affairs of such selling bank, or selling department of a bank, shall remain subject to the provisions of this act.

§ 31a. **Consolidation.**—Any bank incorporated under the laws of this State may consolidate with one or more banks incorporated under the laws of this State, its capital stock, properties, trusts, claims, demands, contracts, agreements, obligations, debts, liabilities and assets of every kind and description, upon such terms and in such manner as may be agreed upon by their respective boards of directors, a copy of which agreement must be filed in the office of the superintendent of banks.

**Approval of Superintendent.**—Provided, that such agreement shall be subject to the approval of the superintendent of banks and shall not be valid until such approval be obtained.

**Ratification.**—Provided, further, that no such consolidation shall take effect until such agreement shall have been ratified and confirmed in writing by the stockholders of the respective banks holding of record at least two-thirds of the issued capital stock of their respective banks, or such agreement may be submitted to the stockholders of each of such corporations at a meeting thereof to be called upon notice specifying the time, place and object thereof, addressed to each stockholder at his last known postoffice address and deposited in the postoffice, postage prepaid, at least two weeks prior to the date fixed for said meeting, and published for at least two successive weeks, prior to the date of said meeting, in a newspaper in each of the counties of the State in which any of such banks shall have its principal place of business, and if such agreement shall be approved at each of such meetings of the respective stockholders separately by the vote or ballot of the stockholders owning at least two-thirds of the stock of each such bank, the same shall be the agreement of such banks.

**Articles of Incorporation and Consolidation.**—In case of such consolidation "articles of incorporation and consolidation" must be prepared, setting forth:

First—The name of the new corporation;

Second—The purpose for which it is formed;

Third—The place where its principal business is to be transacted;

Fourth—The term for which it is to exist, which shall not exceed fifty years;

Fifth—The number of its directors (which shall not be less than three) and the names and residences of the persons appointed to act as such until their successors are elected and qualified;

Sixth—The amount of its capital stock and the number of shares into which it is divided;

Seventh—The amount of stock actually subscribed, and by whom;

Eighth—The names of the constituent corporations.

**Articles must be Signed and Sealed.**—Said articles of incorporation and consolidation must be signed and countersigned by the president and secretary of each constituent corporation and sealed with their corporate seals.

**Approval of Superintendent and Memoranda of Ratification.**—There must be annexed thereto the approval of the superintendent of banks and memoranda of the ratification and confirmation thereof by the stockholders of each constituent corporation, which must be respectively signed and acknowledged by stockholders representing at least two-thirds of the capital stock of their respective corporations.

**Filing.**—When completed as aforesaid articles must be filed in the office of the county clerk of the county in which is located the principal place of business of the new corporation, and a copy of the articles of incorporation and consolidation certified by such county clerk must be filed in the office of the Secretary of State, and a copy of the articles of incorporation and consolidation certified by said Secretary of State must be filed in the office of the superintendent of banks, and

also in the office of the county clerk of any county in which were filed the original articles of incorporation of either of the constituent corporations.

**Effect of Consolidation.**—And thereupon each constituent corporation named therein must be deemed and held to have become extinct in all courts and places, and said new corporation must be deemed and held in all courts and places to have succeeded to all their several capital stocks, properties, trusts, claims, demands, contracts, agreements, assets, choses and rights in action of every kind and description, both at law and in equity, and to be entitled to possess, enjoy, and enforce the same and every thereof, as fully and completely as either and every of its constituents might have done had no consolidation taken place. Said consolidated or new corporation must also, in all courts and places, be deemed and held to have become subrogated to its several constituents and each thereof, in respect to all their contracts and agreements with other parties, and all their debts, obligations, and liabilities, of every kind and nature, to any persons, corporations, or bodies politic, whomsoever, or whatsoever, and said new corporation must sue and be sued in its own name in any and every case in which any or either of its constituents might have sued or might have been sued at law or in equity had no such consolidation been made.

**Obligation of Contracts not Impaired by Consolidation.**—Nothing in this section contained shall be construed to impair the obligation of any contract to which any of such constituents were parties at the date of such consolidation. All such contracts may be enforced by action or suit, as the case may be, against the consolidated corporation, and satisfaction obtained out of the property which, at the date of the consolidation, belonged to the constituent which was a party to the contract in action or suit, as well as out of any other property belonging to the consolidated corporation, and the stockholders of each constituent corporation so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them at or before such consolidation to the same extent as if the same had not been made.

**Right of New Corporation to Effect any Organic Change.**—The right of said new corporation to increase or decrease its capital stock, to change the number of its directors, to amend its articles of incorporation, to change its principal place of business, or its name, or to effect any other organic change shall be governed by the general corporation laws of this State and by the bank act, and the procedure to effect any such change shall be that defined by the general corporation laws and the bank act.

§ 32. **Trust Funds not to be Mingled or Carried as Reserve.**—Any bank receiving trust funds in accordance with the provisions of this act relating to trust companies must not mingle such trust funds with the other assets of the corporation, except as otherwise provided in section 25 of this act, and such funds shall not be carried or counted as any part of the lawful money reserve provided for in this act.

**Penalty.**—The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony.

§ 33. [Repealed 1913.]

§ 34. **No Bank to Invest in or Loan on Its Own Capital Stock—Penalty.**—No bank shall purchase or invest its capital or surplus or money of its depositors, or any part of either, in shares of its own capital stock; nor loan its capital or surplus or the money of its depositors, or any part of either, on shares of its own capital stock, unless such purchase or loan shall be necessary to prevent loss to such bank on debts previously contracted in good faith. Every person or corporation violating any provision of this section shall forfeit to the people of the State twice the nominal amount of such stock.

§ 35. **Certain Transactions Respecting Real Estate Securities and Contracts Forbidden.**—No director, or officer, or employee, or controlling stockholder of any bank shall, directly or indirectly, for his own account, for himself, or as the partner or agent of others, sell or transfer, or cause to be sold or transferred to the bank of which he is a director, officer, employee, or controlling stockholder, any note or bond secured by any mortgage or trust deed on real estate or any contract arising from the sale of real estate in which such director, or officer, or employee, or controlling stockholder is personally or financially interested, without the consent in writing of the superintendent of banks.

**Penalty.**—Any director, or officer, or employee, or controlling stockholder of any bank who knowingly violates or consents to the violation of this provision shall be guilty of a felony.

§ 36. **Underwriting and Guaranteeing Bond Issues—How Restricted.**—No bank receiving deposits of money shall purchase, agree to purchase, underwrite or guarantee any bond issue in excess of five per centum of its assets, except bonds of the United States, of the State of California, of the cities and counties, counties or school districts of this State.

§ 37. **Purchase of Stock of Corporations Forbidden—Stock Acquired to be Sold.**—No bank shall purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within one year after such purchase or acquisition.

**Penalty.**—Every person or corporation violating any provision of this section shall forfeit to the people of the State twice the nominal amount of such stock.

§ 38. **False Entries, Omissions, False Statements, etc., by Directors, Officers or Agents.**—A director, officer, agent or employee of any bank who,

**First**—Knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in its books and accounts; or,

**Second**—Concurs in omitting to make any material entry thereof; or,

**Third**—Knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which is false; or,

**Fourth**—Having the custody or control of its books, willfully refuses or neglects to make any proper entry in the books of such corporation as required by law, or to exhibit or allow the same to be inspected and extracts to be taken therefrom by the superintendent of banks, his chief deputy or any of his examiners, shall be guilty of a felony.

**§ 39. Overdrafts and Receipt of Commission on Loans by Officers, Directors or Employees.**—Any officer, director, agent, teller, clerk or employee of any bank who either,

**First**—Knowingly overdraws his account with such bank, and thereby obtains the money, notes or funds of any such bank; or,

**Second**—Asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward, or any money, property or thing of value, for his own personal benefit, or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation any loan from, or the purchase or discount of any paper, note, draft, check or bill of exchange, by such bank, or for permitting any person, firm or corporation to overdraw any account with such bank, is guilty of a felony.

**§ 40. Contracts Waiving Stockholders' Liability Void.**—No bank mentioned in this act shall make any contract with any of its depositors whereby the stockholders' liability provided for by the constitution of this State is in any manner waived, and if any such contract shall be so made, such contract shall be void.

**§ 41. Purchase of Obligation of Bank for Less Than Face Value.**—No officer, director, agent, or other employee of any bank shall directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any obligation of said bank for a less sum than shall appear upon the face of such obligation to be the value thereof. Every person violating any provision of this section, shall for each offense forfeit to the people of the State, three times the face value of any such obligation so purchased.

**§ 42. Purchase of Assets of Bank for Less Than Current Market Value.**—No officer, director, agent or other employee of any bank, shall directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any of the assets of said bank for a less sum than the current market value thereof. Every person violating any provision of this section, shall, for each offense, forfeit to the people of the State, twice the nominal amount of any such assets so purchased.

**§ 43. Depositary Bank, How Designated.**—No bank shall deposit any of its funds in any other bank unless such other bank has been designated as a depositary for its funds by the vote of a majority of the directors, or trustees of the bank making the deposit, exclusive of the



vote of any director who is an officer, director, or trustee of the depositary so designated; provided, however, that any bank may designate any other bank its depositary by vote of a majority of its directors, including the vote of any director or trustee who is an officer, director or trustee of the depositary so designated, if such bank has secured the previous approval of the superintendent of banks, which approval he may at any time revoke for proper cause.

**§ 44. Loans Secured by Stock of Another Bank.**—No bank shall hereafter make a loan secured by the stock of another bank, if by making such loan the total stock of such other bank held by such loaning bank as collateral will exceed in the aggregate twenty-five per centum of the capital stock of such other bank; provided, that no loan upon the capital stock of any bank shall be made unless such bank has been in existence at least two years and has earned and paid a dividend upon its capital stock.

**Limit on Loans upon Capital Stock of Corporations.**—And provided, further, that no bank may loan more than five per centum of its assets upon the capital stock of any corporation whatsoever as collateral security.

**§ 45. Interest Unpaid, not Included in Profits.**—Interest unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits previous to a dividend.

**§ 46. Limit on Loans or on Investments in Single Bond Issue.**—No bank shall invest or loan more than five per centum of its assets in any one bond issue, except bonds of the United States, of the State of California, of the counties, cities and counties, cities or school districts of this State.

**§ 47. Loans by Commercial Banks on Real Estate.**—No commercial bank shall, except for the purpose of facilitating the sale of property owned by the bank, make any loan on the security of real estate, unless it is a first lien and is either

(1) Made for a period of time not exceeding six months and upon security worth fifteen per centum more than the market value of the real estate taken as security; or

(2) Made for a period of time exceeding six months and not exceeding ten years and does not exceed sixty per centum of the market value of the real estate taken as security.

No commercial bank shall loan in the aggregate more than thirty-five per centum of its assets on real estate loans of the character specified in subdivision 2 of this section. These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the repayment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith when, in the judgment of the directors of such bank, such subsequent liens are necessary further to secure the payment of any debts and save such bank from loss.

**§ 48. Examination of National Banks Receiving Deposits of State Banks.**—Any national bank in this State receiving the deposits of any bank organized and conducting business under this act, must, at the request of the superintendent of banks, submit to an examination by him, or his duly appointed examiners, should the superintendent of banks in his discretion deem it necessary or desirable that such examination be made; and the expense of such examination shall be paid by such national bank; and if any such national bank shall refuse to permit such examination to be made by, or under the direction of, the superintendent of banks, then the superintendent of banks shall notify in writing every bank depositing its funds with such national bank, to withdraw its deposits therefrom, and all such banks shall comply with such order.

**§ 49. No Bank Except Savings Banks and Banks Having Savings Department to Do Any Acts Restricted to Savings Banks.**—It shall not be lawful for any commercial bank, individual, trust company, association, firm, stock company, copartnership or corporation, to advertise or put forth a sign as a savings bank, either directly or indirectly or in any way to solicit or receive deposits or to transact business in the way or manner of a savings bank, or advertise that he or it is receiving or accepting savings, or in any way which might lead the public to believe that such deposits are received or invested under the same conditions or in the same manner as deposits in savings banks, except in the case of savings banks or banks having savings departments, subject to the provisions of this act.

**Penalty.**—Any commercial bank, individual, trust company, association, firm, stock company, copartnership or corporation, violating any provision of this section shall forfeit to this State one hundred dollars a day for every day during which such violation continues.

**§ 50. Bank to Post Last Certificate.**—Every bank shall post in a conspicuous place in its banking-room or branch office the last certificate obtained from the superintendent of banks under the provisions of either section 9 or 127 of this act.

**§ 51. Deposit Until Further Order of Court.**—Any court having appointed and having jurisdiction of any executor, administrator, guardian, assignee, receiver, depositary or trustee, upon the application of such executor, administrator, guardian, assignee, receiver, depositary or trustee, or upon the application of any person having an interest in the estate administered upon by such officer or trustee, after notice to other parties in interest as the court may direct, and after a hearing upon such application, may authorize such officer or trustee to deposit any money then in his hands as such officer or trustee or which may thereafter come into his hands, and until the further order of the court, in any bank organized under the laws of the State of California; and upon such deposit being made, the officer or trustee so depositing the same shall thereafter and while such moneys remain on deposit in such bank, be relieved and discharged from all liability and responsibility therefor, and the bond required of such officer or trustee given upon his appointment shall be thereupon by said court reduced to such an amount as the Court may deem reasonable; such deposit shall be re-

paid only upon the orders of said court, and shall be a preferred claim against such bank and be paid in full before any other depositor of such bank shall have been paid.

**§ 52. Check Certified to be Immediately Charged.**—Whenever a check drawn on any bank is certified by any officer or employee of such bank, the amount thereof shall be immediately charged against the account of the person, firm or corporation drawing the same.

**Unlawful to Certify Check Unless Person Drawing has Deposit Equal to Amount in Check.**—It shall be unlawful for any officer or employee of any bank to certify any check drawn upon such bank unless the person or firm or corporation drawing the check has on deposit with the bank at the time such check is certified, an amount of money subject to the payment of such check, equal to the amount specified in such check.

**Penalty.**—Any officer or employee of any bank who shall willfully violate the provisions of this section, or shall resort to any device, or receive any fictitious obligations, directly or indirectly, in order to evade the provisions hereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the drawer, shall be guilty of a felony.

**§ 53. Capital Stock—Par Value—Paid-up Value Indorsed on Certificate—Preferred Stock.**—The capital stock of any bank having a capital stock shall have a par value of at least one hundred dollars and the paid-up value shall be indorsed on the face of each certificate issued, which paid-up value shall be the same on all certificates issued. No bank shall have preferred stock.

**§ 54. Real Estate not Necessary for Carrying Business must be Sold Within Five Years.**—All real estate purchased by any bank at sales under pledges, mortgages or deeds of trust for its benefit for money loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon and all other real estate owned or held by it, which is not necessary for carrying on its business, must be sold by such bank within five years after title thereto shall have vested in it by purchase or otherwise.

**Proceedings to Compel Sale of Real Estate Held in Violation of Law.**—Parcels of such real estate not sold within said time may be purchased by any person wanting the same upon the conditions and proceedings following:

**Petition.**—The intending purchaser may file a petition in the superior court in and for the county wherein said real estate or any portion thereof is situated.

**Citation.**—Upon the filing of such petition a citation shall be issued out of said court directed to the bank owning such real estate requiring such bank to show cause on a day certain which shall be not earlier than ten days after the service of such citation, why commissioners should not be appointed by said court for the purpose of appraising the value of the real estate described in the petition and of selling the same at public auction under the provisions of this section.

**Liens or Encumbrances.**—If there shall be any liens or encumbrances of record against such real estate the person or persons holding such liens or encumbrances shall likewise be cited and the court shall in its final decree distribute the proceeds of such sale, if a sale thereof shall be made, according to the equities of the parties.

**Hearing.**—If it shall appear at the hearing of such petition that the real estate therein sought to be purchased is held by such bank in violation of the provisions of this section or of the constitution of this State, the court shall appoint three commissioners to appraise the value thereof and sell the same at public auction at the county seat of the county wherein said real estate or any part thereof is located.

**Notice of Sale.**—Notice of which said sale shall be given to the bank owning said real estate and to any other persons interested therein as shown by the records of such county at least ten days before the date of such sale and shall be published once a week for three successive weeks in some newspaper published in the county where such real estate or any part thereof may be located, or if no newspaper shall be published in such county, then in a newspaper published in some neighboring county. Such notice shall state the time and place of such sale and shall describe the real estate to be sold with common certainty and state the value thereof as fixed by the appraisement of such commissioners and state that no bid less than such appraised value will be received therefor.

**Sale.**—No sale shall be made for an amount less than the appraised value of such real estate fixed by said commissioners, and in the event that no bid is received at such sale at least equal to said appraised value of said real estate no intending purchaser can institute the proceedings provided for in this section within one year thereafter.

**Conveyances and Releases.**—In case of any sale made under the provisions of this section and of the refusal of any bank owning such real estate or of any lienholder or encumbrancer to execute the conveyances or releases necessary or proper to vest the title of such bank, lienholder or encumbrancer in the purchaser thereof the court shall have power in such proceedings to direct said commissioners to execute such deeds, conveyances or releases upon the payment to them of the purchase price therefor.

**Fees.**—The fees of such commissioners and cost of sale shall be fixed by the court, upon making such appointment, but the entire expense thereof shall not exceed one hundred dollars.

**Cost.**—The cost of any such proceedings shall be borne by the intending purchaser if no sale shall be made, but if a sale shall be made the costs of such proceedings shall be borne by the purchaser of the property and the person who filed the petition and advanced the costs of such proceedings shall be reimbursed in case he shall not become such purchaser.

**Return of Sale.**—All sales hereunder shall be returned to the court having jurisdiction of the matter in the same manner as in the case of sales, by commissioners, of real estate on foreclosure of mortgages.

**Power of Superintendent to Require Writing Down Value.**—Nothing in this section contained shall be deemed to affect the power of the superintendent of banks to require the writing down of the value of

real estate held by any bank, at any time, when such writing down shall be proper.

**§ 55. Creation of Debt and Indebtedness Construed.**—Receiving deposits, issuing certificates of deposit, checks and bills of exchange, and the like, in the transaction of the ordinary business of a bank, must not be construed to be the creation of debt within the meaning of the phrase “create debt” in section 309 of the Civil Code, nor of indebtedness within the meaning of the phrase “the capital stock cannot be diminished to an amount less than the indebtedness of the corporation” in section 359 of the Civil Code, except that no bank shall reduce its capital stock to an amount less than is required by this act to be maintained by such bank, or less than any indebtedness of such bank other than such deposits.

**“Real Estate,” “Real Property,” and “Personal Property” Construed.**—The terms “real estate,” or “real property,” or “personal property,” when used in this act shall have the meaning defined in, and shall be construed in accordance with the provisions of title I of part I of division second of the Civil Code.

**§ 56. Banks Authorized to Join National Reserve Association.**—Any bank organized and existing under the laws of this State is hereby authorized and empowered to join or associate itself with any “national reserve association of the United States” or branch thereof, or any plan now or hereafter created or established by act of Congress whether such banking or currency association or plan be created by Congress under the above or any other name. Nothing in this act shall prohibit any such bank from joining or associating itself with any such association or plan or branch thereof nor from investing any part of its capital or surplus in the stock of such association, plan or branch thereof in accordance with the terms and provisions of such act of Congress; provided, however, that such investment shall in no case exceed the minimum amount required to join or associate itself with such association, plan or branch thereof. Any bank joining or associating itself with such association, plan or branch thereof shall be permitted to conform to and transact its business in accordance with the terms and provisions of such act of Congress creating the same and the rules and regulations of such association, plan or branch thereof, anything in this act to the contrary notwithstanding.

## ARTICLE II.

### Savings Banks.

**§ 60. Paid-up Capital Stock.**—Every savings bank hereafter organized must have paid up in cash a capital stock of not less than

- (a) **Population not Exceeding 5,000.**—Twenty-five thousand dollars if its principal place of business is located in any locality the population of which does not exceed five thousand persons;
- (b) **Population More than 5,000, not Exceeding 25,000.**—Fifty thousand dollars if its principal place of business is located in any city the population of which is more than five thousand persons, but does not exceed twenty-five thousand persons;

- (c) **Population More Than 25,000, not Exceeding 100,000.**—One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons but does not exceed one hundred thousand persons;
- (d) **Population More Than 100,000, not Exceeding 200,000.**—Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons but does not exceed two hundred thousand persons;
- (e) **Population More Than 200,000.**—Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

**Reserve Fund.**—Excepting that any savings bank organized without capital stock must have a reserve fund of at least one million dollars.

**Certificate.**—Until the capital stock or reserve fund hereinbefore required shall be actually paid in, the superintendent of banks shall refuse to issue the certificate required by this act.

**Excepted Banks.**—The foregoing classification shall not apply to any savings bank already in existence which has received its certificate to do a banking business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; provided, that nothing herein shall be construed to affect the provisions of section 19 of this act relative to the proportion of capital and surplus to deposits or of section 23 of this act relative to the capital stock required of banks doing a departmental business. The provisions of section 23 of this act, as to population, shall apply to any bank organized under the provisions of this section.

§ 61. **Investments Permitted to Savings Banks.**—Any savings bank may purchase, hold and convey real or personal property as follows:

1. **Bank Premises.**—The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes necessary or proper to carry on its banking business; such lot and building, furniture and fixtures, vaults and safe deposit vaults and boxes shall not, in the aggregate, be carried on the books of such bank as an asset to an amount exceeding its paid-up capital and surplus: and hereafter, the authority of a two-thirds vote of all of the directors shall be necessary to authorize the purchase of such lot and building, or the construction of such building.

2. **Security for Loans.**—Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. **Property Acquired Under Foreclosure and Taken in Satisfaction of Debt.**—Such as may have been purchased at any sales under pledge, mortgage or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

**Personal Property.**—No savings bank shall purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation for the convenient transaction of its business, notes or bonds secured by trust deeds or mortgages on real estate bonds, securities or evidences of indebtedness, public or private, gold or silver bullion and United States mint certificates of ascertained value, and evidences of debt issued by the United States.

**Bonds.**—No savings bank shall purchase, own, hold or convey bonds, securities or evidences of indebtedness, public or private, except as follows:

(a) **Bonds of United States.**—Bonds or interest bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) **Bonds of State of California.**—Bonds of this State, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest;

(c) **Bonds of Any State.**—Bonds of any State in the United States that has not, within five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest;

(d) **County, City or District Bonds.**—Bonds of any county, city and county, city or school district of this State; bonds of any permanent road division in any county issued in pursuance of the provisions of article IX chapter II; title VI; part III of the Political Code; bonds of any sewer district, drainage district, reclamation district, protection district, or sanitary district organized under the laws of this State; and any irrigation district bonds which the law may now or hereafter authorize to be used as security for the deposit of public moneys; provided, that the total amount of bonds so issued by any such sewer district, drainage district, protection district or sanitary district, does not exceed fifteen per centum of the value of the taxable property in said district as shown by the last equalized assessment-roll of the county in which said district is located; and provided, further, that the total amount of bonds issued by any such irrigation district does not exceed sixty per centum of the aggregate market value of the lands within such district, and of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned or to be acquired or constructed with the proceeds of any of such bonds, by said district, such facts in reference to bonds of irrigation districts to be determined by a commission now or hereafter authorized by law to ascertain and report upon such facts.

(e) **Bonds of County, City or Town, in Other State.**—Bonds of any county, city and county, city or town, in any State of the United States other than the State of California, issued under authority of any law of such State, which county, city and county, city or town, had, as shown by the federal or State census next preceding such investment, a population of more than 20,000 inhabitants; provided, however, that the entire bonded indebtedness of such county, city and county, city or town, including such issue of bonds does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment-roll; and provided, further, that such county, city and county, city or town, or the State in which it is located has not defaulted in payment of either principal or interest due upon any legally authorized bond issue within five years next preceding such investment.

(f) (1) **Bonds of Railroad Incorporated Under Laws of California.** Bonds of any railroad corporation incorporated under the laws of the State of California and operating exclusively therein, provided said corporation has had, for its fiscal year next preceding such investment, net earnings, after payment of all maintenance charges, operating expenses and taxes, sufficient to pay the interest on all of its outstanding mortgage indebtedness; or

(2) **Bonds of Railroad Incorporated Under Laws of Other State.**—Bonds of any railroad corporation incorporated under the laws of any other State in the United States, operating at least five hundred miles of standard gauge track exclusive of sidings; provided, said corporation has had for its fiscal year next preceding such investment, net earnings, after the payment of all maintenance charges, operating expenses and taxes, amounting to at least one and one-half times the interest on all its outstanding mortgage indebtedness; or

(3) **Bonds of Railroad Guaranteed by Railroad.**—Bonds of any railroad corporation, the payment of which has been guaranteed, both as to principal and interest, by a railroad corporation meeting the requirements of either subdivision (1) or (2) of paragraph (f) of this section; the income of which latter corporation, together with the income of any corporation whose bonds it has guaranteed, shall have been sufficient to pay all its maintenance charges, operating expenses, taxes and interest on all its outstanding mortgage indebtedness and, in addition thereto, interest on the total outstanding mortgage indebtedness of any other corporation the payment of which it has guaranteed, for the periods specified in the respective subdivisions of this paragraph relating thereon; provided, that the excess of income of any corporation whose bonds have been so guaranteed, over its maintenance charges, operating expenses, taxes and interest on its outstanding mortgage indebtedness, shall not apply to or be included in determining the income so required.

**Income.**—In determining the income of any corporation specified in paragraph (f) of subdivision 3 of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation or corporations, the entire business and income producing property of which the corporation issuing such bonds has wholly acquired.



**Mortgage or Deed of Trust.**—All bonds authorized for investment by paragraph (f) of subdivision 3 of this section must be secured by a mortgage or trust deed which is at the time of making such investment either a first mortgage or deed of trust, a refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation, or an underlying or divisional closed mortgage or trust deed of property which forms a part of the operating system of the corporation then owning said property.

**Receipts from Passenger Revenues.**—No savings bank shall purchase the bonds of any railroad corporation deriving less than twenty per centum of its gross receipts from passenger revenues.

**"Railroad Corporation" Defined.**—The term "railroad corporation" when used in paragraph (f) of subdivision 3 of this section shall have the meaning defined in the "Public Utilities Act" approved December 23, 1911.

(g) **Bonds of Public Utility Incorporated Under the Laws of California.**—Bonds of any street railroad corporation; or of any gas; water; pipe-line; light; power; light and power; gas, light and power; electrical; telephone; telegraph; or telephone and telegraph corporation or of any other "public utility" incorporated under the laws of the State of California; and

(1) **Operating Exclusively in California.**—Operating exclusively in the State of California, provided, said corporation has had, for its fiscal year next preceding such investment, net earnings, after the payment of all maintenance charges, operating expenses and taxes, amounting to one and one-half times the interest on all its outstanding mortgage indebtedness; or

(2) **Operating in Part Within California.**—Operating its property in part within the State of California, provided, said corporation has had, for each of its two fiscal years next preceding such investment, net earnings, after the payment of all maintenance charges, operating expenses and taxes, amounting to one and one-half times the interest on all of its outstanding mortgage indebtedness; or

(3) **Guaranteed Bonds.**—The payment of which is guaranteed, both as to principal and interest, by a public utility corporation meeting the requirements of either subdivision (1) or (2) of paragraph (g) of this section, the income of which latter corporation, together with the income of any corporation whose bonds it has guaranteed, shall have been sufficient to pay all its maintenance charges, operating expenses, taxes and interest on all its total outstanding mortgage indebtedness, and in addition thereto, interest on the total outstanding mortgage indebtedness of any other corporation the payment of which it has guaranteed, for the period specified in the respective subdivisions of this paragraph relating thereto; provided, that the excess of income of any corporation whose bonds have been so guaranteed, over its maintenance charges, operating expenses, taxes and interest on its outstanding mortgage indebtedness shall not apply to or be included in determining the income so required.

**Income.**—In determining the income of any corporation specified in paragraph (g) of subdivision 3 of this section, there shall be included

the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income producing property of which the corporation issuing such bonds has wholly acquired.

**Mortgage or Trust Deed.**—All bonds authorized for investment by paragraph (g) of subdivision 3 of this section must be secured by a mortgage or trust deed which is at the time of making such investment; either

I. **Closed.**—A closed first mortgage or deed of trust; or

II. **Containing Provisions Restricting Issuance of Further Bonds.**—A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to pay all maintenance charges, operating expenses, taxes and one and one-half times the interest on all its mortgage indebtedness then outstanding and on the additional bonds then proposed to be issued; or

III. **Refunding.**—A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation, and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to pay all maintenance charges, operating expenses, taxes and one and one-half times the interest on all its mortgage indebtedness then outstanding, and on the additional bonds then proposed to be issued; or

IV. **Underlying or Divisional Closed.**—An underlying or divisional closed mortgage or trust deed of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or trust deed, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or trust deed, or on the proper proportionate share of such property in the general income, maintenance charges, operating expenses, taxes and mortgage indebtedness of the corporation then owning such property; provided, however, that if the payment of the bonds secured by such underlying or divisional closed mortgage or trust deed shall be guaranteed or assumed by the corporation then owning the property securing the same, such bonds shall be legal investments for savings banks, if the net income of such corporation from all sources after paying all of its maintenance charges, operating expenses, taxes and mortgage indebtedness shall equal the amount herein required, notwithstanding any insufficiency of the income derived from the property covered by such underlying or divisional closed mortgage or trust deed to meet the requirements of this section.

**Certain Terms Defined.**—The term "street railroad corporation," "pipe-line corporation," "gas corporation," "electrical corporation," "telephone corporation," "telegraph corporation," "water corporation," and "public utility," when used in paragraph (g) of subdivision

3 of this section, shall each have the meaning defined in the "Public Utilities Act" approved December 23, 1911.

(h) **Notes or Bonds Secured by First Lien upon Real Estate.**—Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; provided, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; and provided, further, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security.

(i) **Collateral Trust Bonds or Notes.**—Collateral trust bonds or notes when secured by either:

(1) **Bonds Authorized for Investment.**—Deposit of bonds authorized for investment by this section, of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or

(2) **Bonds Authorized for Investment and Other Securities.**—Deposit of bonds authorized for investment by this section, and other securities, of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; provided, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

(j) **Bonds Legal for Investment in New York or Massachusetts.**—Bonds legal for investment by savings banks in the States of New York or Massachusetts; provided, however, that as to bonds of the character specified in paragraph (c) or (e) of subdivision 3 of this section, such bonds shall also conform to the requirements of either of such paragraphs.

(k) **Mortgage Certificates.**—Certificates issued by a corporation organized under the laws of this State with a paid-up capital stock of not less than one hundred thousand dollars, evidencing and conferring participation to an indicated amount in a first mortgage on real estate and the debt secured thereby, and guaranteeing the payment of the principal of the mortgage debt at its maturity or within some specified time thereafter and agreeing to pay interest on the amount of the participation at some specified rate, the mortgage however and debt thereby secured to be assigned to a trust company and held by it as security for the payment of said mortgage certificates and for the performance of all conditions imposed thereby upon the corporation issuing the same; provided, the said first mortgage indebtedness shall not exceed sixty per centum of the market value of the real estate taken as security, and provided, further, that the trust company shall certify on each certificate that the aggregate amount of the certificates issued evidencing and conferring participation in any one such mortgage and mortgage debt does not exceed the principal of the said mortgage debt; but provided, nevertheless, that, unless such certificates are made legal investment for savings banks by other

certificate shall be refused. The superintendent of banks shall keep an official list of all bonds and securities certified by him.

**§ 62. Savings Bank not to Deal in Real or Personal Property or Contract Liability.**—No savings bank shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided.

**May Pay Depositors by Draft.**—Savings banks may pay regular depositors, when requested by them, by draft upon deposits to the credit with their banks, and charge current rate of exchange for such drafts.

**May Borrow Money to Meet Immediate Demands of Depositors.**—No savings bank shall borrow money, or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and nays upon each vote; also with the written approval of the superintendent of banks, and he shall have the authority to fix the amount to be borrowed, and the term and rate of interest thereon; provided, however, that savings banks may, in the manner authorized by law, and without the written approval of the superintendent of banks, borrow the public moneys of the State, counties, cities and counties, and towns and receive such public moneys on deposit; provided, also, that savings banks may in the manner authorized by law, and without the written approval of the superintendent of banks, borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit.

**§ 63. Certificates of Deposit.**—Savings banks may issue general certificates of deposit, which are transferable, as in other cases, by indorsement and delivery; may issue, when requested by the depositor, special certificates, acknowledging the deposit by the person therein named of a specified sum of money, and expressly providing on the face of such certificate that the sum so deposited and therein named may be transferred only on the books of the bank; payment thereafter made by the bank to the depositor named in such certificate, or to his assignee named upon the books of the bank, or in case of death, to the legal representative of such person, of the sum for which such special certificate was issued, shall discharge the bank from all further liability on account of the money so paid.

**Time Certificates of Deposit.**—All time certificates of deposit, issued by a savings bank, shall be subject to the same limitations and conditions as applied to other deposits, and notice thereof shall be given by the words "Subject to conditions of agreement with depositors" printed on the face of the certificate issued.

**§ 64. Time and Conditions of Repayment—Notice.**—Each savings bank must prescribe by its by-laws, or by contract with its depositors, the time and conditions on which repayment is to be made to depositors, except as in this act otherwise provided. In all cases the by-laws or contracts shall provide that notice of at least thirty days may, at the option of any such bank, be required to be given of intention to with-

draw any deposit or part thereof, but whenever there is any call by depositors for repayment of a greater amount than the bank may have disposable for that purpose, the directors or officers thereof must not make any new loan or investment of the funds of the depositors or of earnings thereof until such excess of call has ceased.

**Reserve Fund.**—The directors of any such bank having no capital stock shall, before the declaration of any dividend, carry at least one-tenth part of the net profits of such bank, for the preceding half year, or for the period covered by said dividend, to its reserve fund. Subject to the provisions of section 19 of this act, any losses sustained by any such bank may be charged to and paid out of its reserve fund. A larger reserve fund may be created and nothing herein contained shall be construed as prohibitory thereof. The assets of any such bank are a security to its depositors. Any such bank organized without capital stock, may provide by its by-laws for the disposal of any amount in its reserve fund in excess of the amount required by section 19 of this act and may also provide for final disposal upon the dissolution of the bank of its reserve fund or the balance thereof remaining after payment of any losses of such bank.

**§ 65. Loans to Directors or Officers or to Corporations of Which They may be Stockholders.**—No loan shall be made, directly or indirectly, to any director or officer of any savings bank by such bank, or on the indorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of a majority of all the directors of such savings bank and the affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; provided, however, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, or director of the corporation to which such loan is made, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks.

**Loans to Agents—Employees.**—A loan may be made to any agent or employee, other than an officer or director, of any savings bank by such bank upon authorization of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; provided, however, that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such

loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. Any officer or director of any savings bank, who knowingly procures a loan from such savings bank, contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank, to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

§ 66. **Maximum Amount of Loans.**—No savings bank shall hereafter make any loans to any person, firm, copartnership or corporation to an amount exceeding fifty per centum of the actual paid-up capital stock and surplus of such bank, or in the case of a bank organized without capital stock, to an amount exceeding fifty per centum of the reserve fund of such bank; provided, however, that any savings bank having a paid-up capital and surplus of less than fifty thousand dollars, but not less than twenty-five thousand dollars, may make any such loan on real estate security to an amount not exceeding twenty-five thousand dollars; and provided further, that any savings bank having a paid-up capital and surplus of less than twenty-five thousand dollars may make any such loan on real estate security to an amount not exceeding its paid-up capital and surplus, if each such loan in all other respects conforms to the provisions of this act. The renewal or extension of any loan heretofore legally made by any savings bank shall not be construed to be a "loan hereafter made" within the meaning of the provisions of this section. The legality of investments heretofore lawfully made pursuant to the provisions of this act as it existed on and subsequent to July 1, 1909, shall not be affected by the provisions of this section. For the purposes of this section an indorser or guarantor shall be deemed to be a borrower.

§ 67. 1. **Conditions on Which Loans may be Made—Real or Personal Property—Period.**—No savings bank shall loan money except on adequate security of real or personal property, and no such loan shall be made for a period longer than ten years; provided, that no such loan shall be made on unsecured notes.

2. **Bonds.**—No savings bank shall invest or loan more than five per centum of its assets on any one bond issue, except bonds of the United States, of the State of California, bonds for which the faith and credit of the United States or of the State of California are pledged, or bonds of any county, city and county, city or school district in this state, or bonds of any irrigation district such as are legal for investment by savings banks.

3. **Market Value.**—No savings bank shall loan money:

- (a) On bonds of the character specified in paragraphs (a), (b), (c), and (d), of subdivision 3 of section 61 of this act,

- unless such bonds shall have a market value at least ten per centum in excess of the amount loaned thereon; or,
- (b) On bonds of the character specified in paragraphs (e), (f) and (g) or on bonds or notes of the character specified in paragraph (i) of subdivision 3 of section 61 of this act, unless such bonds or notes shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,
  - (c) On bonds legal for investment by savings banks in the states of New York or Massachusetts, unless such bonds shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,
  - (d) On personal property unless such personal property shall have a market value at least fifty per centum in excess of the amount loaned thereon; or,
  - (e) On other bonds, or on the capital stock of any corporation, unless such bonds or stock shall have a market value at least fifty per centum in excess of the amount loaned thereon; provided, however that no loan shall be made upon the capital stock of any bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock.

4. **Real Estate.**—No savings bank shall make any loan on the security of real estate, except it be a first lien, and in no event to exceed sixty per centum of the market value of any real estate taken as security except for the purpose of facilitating the sale of property owned by such savings bank; provided, that a second lien may be accepted to secure the repayment of a debt previously contracted in good faith; and, provided, also, that any savings bank holding a first mortgage or deed of trust on real estate may take or purchase and hold another and immediately subsequent mortgage or deed of trust thereon, but all such loans shall not exceed in the aggregate sixty per centum of the market value of the real estate securing the same; provided, further, that a savings bank may loan not to exceed ninety per centum of the face value of a note or bond secured by a first mortgage or deed of trust on real estate, but in no event shall any such loan exceed ninety per centum of sixty per centum of the market value of the real estate covered by said mortgage or deed of trust.

5. **Mining Stock.**—No savings bank shall purchase, invest or loan its capital, surplus or the money of its depositors, or any part of either, in mining shares or stock. Any president or managing officer who knowingly consents to a violation of any provision of this section shall be guilty of a felony.

§ 68. **Reserve.**—Every savings bank or savings department of a bank, shall at all times maintain a lawful money reserve equivalent to four per centum of the aggregate amount of its deposits; one-half of such lawful money reserve shall be kept on hand in lawful money of the United States or gold certificates or silver certificates of the United States, and one-half may consist of bonds of the United States or of lawful money of the United States or gold certificates or silver certificates of the United States, on hand or on deposit subject to call with any reserve bank provided for in section 20 of this act; provided,

however, that no savings bank or savings department shall be required to maintain in its own keeping a lawful money reserve in excess of four hundred thousand dollars, and when such lawful money reserve in its own keeping reaches that amount, the balance of cash necessary to make up the four per centum may be kept on deposit subject to call with any reserve bank provided for in section 20 of this act. No new loan shall be made during any deficiency in the lawful money reserve.

**Deposits With Commercial Banks.**—Deposits with any commercial bank, or commercial department of a bank, on open account, to facilitate business transactions, as provided in this section, shall be permitted, and shall not be construed as loans.

Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the superintendent of banks. Not more than fifteen per centum of the deposits of any savings bank shall be deposited with all other banks, except with the consent of the superintendent of banks.

**Deposits of Other Banks.**—No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the lawful money reserve of such depositing bank; provided, that the sum so deposited shall not exceed ten thousand dollars.

§ 68½. **Deposit by Decedent or Public Administrator.**—Where a decedent, at the time of his or her death, left moneys on deposit with a savings bank, it shall be lawful for any public administrator, who shall become the administrator of the estate, to allow such deposit to remain in said savings bank, and also, it shall be lawful for him to deposit therein to the account of said decedent, any and all moneys of said estate not required for the current expenses of administration. Such deposit, whether made by the decedent or a public administrator, shall relieve the public administrator from depositing the same with the county treasurer. Moneys so deposited, whether by the decedent or by a public administrator, may be drawn upon demand without notice, upon the order of said administrator, countersigned by a judge of a superior court, when required for the purpose of administration or otherwise.

§ 69. **General Provision.**—Every savings bank, and the business of every savings department of every other bank, must be conducted under and in accordance with the provisions of this act.

### ARTICLE III.

#### Commercial Banks.

§ 80. **Commercial Bank Loans.**—No commercial bank shall make any loans to any person, firm, copartnership or corporation, to an amount exceeding the following percentages of its capital stock actually paid in and surplus:

1. **Unsecured Loans.**—Ten per centum without security, except where such capital stock and surplus is less than twenty-five thousand dollars, in which event an amount not to exceed twenty per



centum of such capital stock and surplus may be loaned without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan; or,

2. **Secured and Unsecured Loans.**—Fifteen per centum, in addition to the amount that may be loaned under the provisions of subdivision one of this section, upon security worth at least fifteen per centum more than the amount of such loan so secured; provided, however, that a separate note or notes shall be taken for the unsecured loans and a separate note or notes shall be taken for the secured loans, and the secured and unsecured loans shall not be combined in any way within one note, or notes; or,

3. **Secured Loans Only.**—Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured; provided, however, that when secured loans to this amount or any amount in excess of fifteen per centum are made, then no unsecured loans shall be permitted in addition to such secured loans.

**Loans on Bills of Lading or Exchange, or Commercial Paper.**—A commercial bank may buy from, or discount for, any person, firm, copartnership or corporation, or loan upon bills of lading or bills of exchange drawn in good faith against actual existing value an amount not exceeding seventy-five per centum of the paid-up capital and surplus of such bank; and may also buy from or discount for any person, firm, copartnership or corporation, commercial or business paper actually owned by the person, firm, copartnership or corporation negotiating the same, an amount not exceeding twenty-five per centum of the paid-up capital and surplus of such bank; but the discount of bills of lading or bills of exchange drawn in good faith against actual existing value, and the discount of commercial or business paper actually owned by the person, firm, copartnership or corporation negotiating the same, shall not be considered as money borrowed by the person, firm, copartnership or corporation selling or discounting the same.

§ 81. **Loans upon Securities of Corporations.**—No loan shall be made by any commercial bank upon the securities of one or more corporations, the payment of which is undertaken, in whole or in part, severally, but not jointly, by two or more individuals, firms, or corporations:

(a) If the borrowers or underwriters be obligated absolutely or contingently to purchase the securities, or any of them, collateral to such loan, unless the borrowers or underwriters shall have paid on account of the purchase of such securities an amount in cash, or its equivalent, equal to at least twenty-five per centum of the several

amounts for which they remain obligated in completing the purchase of such securities;

(b) If the commercial bank making such loan be liable, directly or indirectly, or contingently, for the repayment of such loan or any part thereof;

(c) If its term, including any renewal thereof by agreement, express or implied, exceed the period of one year;

(d) Or to an amount under any circumstances in excess of twenty-five per centum of the capital and surplus of the commercial bank making such loan.

§ 82. **Capital Stock.**—Every commercial bank hereafter organized must have paid up in cash a capital stock of not less than,

(a) **Not Exceeding 5,000.**—Twenty-five thousand dollars if its principal place of business is located in any locality the population of which does not exceed five thousand persons;

(b) **More Than 5,000, Not Exceeding 25,000.**—Fifty thousand dollars if its principal place of business is located in any city the population of which is more than five thousand persons, but does not exceed twenty-five thousand persons;

(c) **More Than 25,000, not Exceeding 100,000.**—One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons, but does not exceed one hundred thousand persons;

(d) **More Than 100,000, not Exceeding 200,000.**—Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons, but does not exceed two hundred thousand persons.

(e) **More Than 200,000.**—Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

**Excepted Banks.**—The foregoing classification shall not apply to any commercial bank already in existence which has received its certificate to do a banking business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; provided, that nothing herein shall be construed to affect the provisions of section 19 of this act relative to the proportion of capital and surplus to deposits or of section 23 of this act relative to the capital stock required of banks doing a departmental business. The provisions of section 23 of this act, as to population, shall apply to any bank organized under the provisions of this section.

**§ 83. Loans to Director, or Employee, or to Firm, or Corporation, of Which Director, Officer, or Employee is a Member, Stockholder, Director, or Employee.**—No loan shall be made, directly or indirectly, to any officer of any commercial bank by such bank, or on the indorsement, surety, or guaranty of any such officer, except as hereinafter provided in this section. Loans to any director, agent, or other employee, or to any firm, copartnership or corporation of which any director, officer, agent or other employee is a member, stockholder, director, agent or other employee, or to any person, firm, copartnership or corporation on the indorsement, surety, or guaranty of any such director other than an officer, agent or other employee, can be made by any commercial bank only on authorization of, or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan. The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee, or to any firm, copartnership or corporation in which any director, officer, agent, or other employee is a member, stockholder, director, agent or other employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months, be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, agent or other employee.

**Report of Such Loan.**—The fact of making such loan, the name of the director authorizing such loan, the name of the director, agent, or employee, obtaining such loan, or the name of the firm, copartnership or corporation in which such director, officer, agent, or employee is interested, obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of payment when made, shall be forthwith reported in writing by the cashier or secretary of such bank to the superintendent of banks. In case of a loan so made without the previous authorization of the directors, the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, shall be reported in the same manner.

**Penalty.**—Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, the bank shall be liable therefor and shall forfeit to the people of the State of California, twenty-five dollars

per day for each day, or part thereof, during which such neglect or failure continues.

§ 84. **Bank Premises.**—No commercial bank shall invest an amount exceeding its paid-up capital and surplus in the lot and building in which the business of the bank is carried on, furniture and fixtures, vaults and safe deposit vaults and boxes necessary or proper to carry on its banking business; and hereafter the authority of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such lot and building or the construction of such building.

#### ARTICLE IV.

##### Trust Companies.

§ 90. **Trust Companies Defined—Capital Required.**—Any corporation which has been or shall be incorporated under the general corporation laws of this State, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this State, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population does not exceed one hundred thousand persons and which has a capital of not less than one hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the State treasurer the deposit of money or securities of the character and in the amount required by the terms of section 96 of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section 127 of this act, to transact such business, and any corporation which has been or shall be incorporated under the general corporation laws of this State, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this State, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population exceeds one hundred thousand persons and which has a capital of at least two hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the State treasurer the deposit of money or securities of the character and in the amount required by the terms of section 96 of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section 127 of this act, to transact such business, may act, or may be appointed by any court to act, in any such capacity in like manner as an individual and when so qualified shall be known as a trust company.

**Powers.**—Any such trust company may, as provided in this act, accept or receive any deposit of money or personal property authorized, directed or permitted to be made with any such corporation by any court or law of this State, and may accept and execute any trust pro-

vided for in this act, or permitted by any law of this State, to be taken, accepted or executed by an individual.

**Segregation of Capital in Cities of 100,000 and Under.**—Any such trust company, if located in a city the population of which does not exceed one hundred thousand persons must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it and whenever such trust company shall, under the provisions of sections 96 and 98 of this act, be required to make the first additional deposit of securities with the State treasurer, such trust company must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all court trusts accepted by it.

**Segregation of Capital and Surplus in Cities of Over 100,000.**—And any trust company, if located in a city, the population of which exceeds one hundred thousand persons, must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it.

**Surplus not to be Apportioned as Security for Private Trusts.**—Provided, that no such trust company shall at any time be required to apportion and set aside any portion of its surplus as security for the faithful performance of such private trusts, nor shall it be prohibited from so doing.

**Amounts Apportioned, How Treated.**—And provided, further, that the respective amounts of capital or capital and surplus so apportioned and set aside shall be treated in all respects as the separate capital or capital and surplus of each respective kind or class of business, as though the same were conducted by separate and distinct corporations, and each shall be kept, held, used and disposed of wholly for the exclusive benefit, protection and security of the respective classes of trust business to which the same were respectively so apportioned and set aside.

**Oaths and Affidavits.**—In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit made by the president, vice-president, secretary, manager, trust officer, assistant trust officer or regularly employed attorney thereof, and such officer or

employee shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by an individual acting in like capacity and subject to like penalties; provided, any such appointment as guardian shall apply to the estate only, and not to the person.

**Powers of Foreign Corporation as Trustee of Bond Issue, etc.**—No foreign corporation shall have or exercise in this State the power to act as trustee under any mortgage, deed of trust, or other instrument securing notes or bonds issued by any corporation excepting that a foreign corporation may be authorized to act, outside of the State of California, as cotrustee with any qualified trust company organized and doing business under the laws of this State, for the following purposes with reference to bonds secured by mortgage or deed of trust of property in this State, and none other:

- (1) To deliver bonds, and receive payment therefor.
- (2) To deliver permanent bonds in exchange for temporary bonds of the same issue.
- (3) To deliver refunding bonds in exchange for those of a prior issue or issues.
- (4) To register bonds, or to exchange registered bonds for coupon bonds, or coupon bonds for registered bonds.
- (5) To pay interest on such bonds, and to take up and cancel coupons representing such interest payments.
- (6) To redeem and cancel bonds when called for redemption, or to pay and cancel bonds when due.
- (7) The certification of registered bonds for the purpose of exchanging registered bonds for coupon bonds.

§ 91. **Deposits Subject to Order of Court.**—Any court having jurisdiction of any executor, administrator, guardian, assignee, receiver, depository or trustee, upon the application of any such officer or trustee, or upon the application of any person having an interest in the estate or property administered by such officer or trustee, after such notice to the other parties in interest as the court may direct, and after a hearing upon such application, may authorize such officer or trustee to deposit any moneys then in his hands, or which may come into his hands thereafter, until the further order of said court, with any such trust company, and upon deposit of such money, and its receipt and acceptance by such trust company, the said officer or trustee shall be discharged from further care or responsibility therefor. Such deposit shall be paid out only upon the order of said court.

§ 92. **Deposits by Public Administrator.**—Any public administrator may deposit any or all moneys of any estate upon which he is administering, not required for the current expenses of such administration, with any such trust company having its principal place of business in the county, or city and county, in which he is acting as such administrator. Any court having jurisdiction of an estate being administered by a public administrator, may direct such administrator to deposit all or any part of the moneys of said estate with any such trust company. Such deposit shall relieve the public administrator from depositing with the county treasurer the moneys so deposited with such trust company.

Moneys so deposited by a public administrator may be drawn, upon the order of such administrator, countersigned by a judge of the superior court, when required for the purposes of administration, or otherwise.

**§ 93. Deposit of Property Subject to Order of Court.**—Any court having jurisdiction of any estate in process of administration, or any other proceeding, may, on application of any person interested therein, or the person who has been selected by said court, or a judge thereof as executor, administrator, guardian, assignee, receiver, depository or trustee, after such notice to the parties in interest as the court shall direct, or without notice if all parties in interest consent thereto, and a hearing on such application, order any executor, administrator, guardian, assignee, receiver, depository or trustee so selected or appointed, whether such person has duly qualified or not to deposit with any such trust company, for safekeeping, such portion or all of the personal assets of said estate as the court shall deem proper, and upon such deposit being made, the court shall by an order of record reduce the bond to be given or theretofore given by such officer or trustee, so as to cover only the estate remaining in the hands of said officer or trustee; and the property so deposited shall thereupon be held by such trust company, under the order and direction of said court.

**§ 94. Liability of Trust Company on Deposit Subject to Order of Court.**—Such trust company shall not be required to give any bond or security in case of any appointment or deposit of moneys or other personal assets hereinbefore provided for, except as provided in this act, but shall be responsible for all investments which shall be made by it of the funds which may be intrusted to it for investment by such court, and shall be liable to the same extent as an individual, and as hereinafter provided.

**§ 95. Interest upon Moneys Deposited by Order of Court.**—Such trust company shall pay interest upon all moneys so deposited with it at such rate as may be agreed upon at the time of its acceptance of any such deposit, or as shall be provided by the order of court and agreed to by such trust company.

**§ 96. Deposit With State Treasurer.**—Any such trust company, if its principal place of business is situated in a city the population of which does not exceed one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the State treasurer, as herein provided, at least fifty thousand dollars as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the State treasurer at least fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it, and whenever any such trust company shall, under the provisions of section 98 of this act, be required to make the first additional deposit of securities with the State treasurer, such trust company must also deposit with the State treasurer an additional fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and any trust company if its principal place of business is situated in a city the population of which exceeds one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the State treasurer, as herein

provided at least one hundred thousand dollars, as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the State treasurer at least one hundred thousand dollars as security for the faithful performance and execution of all private trusts accepted by it.

**How Made.**—Any such deposit may be made either in lawful money of the United States, or in securities of either or any of the following classes:

(a) Bonds issued by the United States or by this State or by any county, city and county, city or school district therein;

(b) Bonds for the payment of which the faith and credit of the United States or of this State are pledged;

(c) Notes or bonds secured by mortgage or deed of trust constituting a first lien on improved and productive real estate in the State of California; such improved real estate being at least double the amount of such lien.

**Approval of Securities.**—Such money or securities shall be first approved by the superintendent of banks, and, upon his written order, deposited with the State treasurer for the respective purposes herein specified, and

**How Held.**—Said treasurer shall give his receipt therefor, and thereafter, subject to the provisions of this act, shall hold such deposits of money or security separately, each for the sole benefit of the beneficiaries of the class of trust business, for the security and protection of which the same was deposited, and said treasurer shall give his receipt therefor and the State shall be responsible for the custody and safe return of any money or securities so deposited.

**Exchange, Interest and Dividends.**—Said securities or money so deposited may, with the approval of the superintendent of banks, be withdrawn or exchanged from time to time for other like securities, or lawful money, receivable as aforesaid, and so long as the trust company so depositing said money or securities shall continue solvent, it shall have the right and shall be permitted by the State treasurer to receive the interest and dividends on any securities so deposited. Said securities and money shall be subject to sale and transfer, and to the disposal of the proceeds by said State treasurer, only on the order of a court of competent jurisdiction and for the benefit respectively of the beneficiaries of that class of trust business for the security and protection of which the same were deposited.

§ 97. **Mortgage of Bank Premises to State Treasurer.**—Any such trust company, having a capital and surplus of two hundred thousand dollars or more apportioned and set aside as security for the faithful performance and execution of all court trusts accepted by it, as provided in this act, and which is wholly or in part invested in the lot and building in which its business is carried on, may be permitted by the superintendent of banks to mortgage such lot and building to the State treasurer for such sum, up to its full market value, as the superintendent of banks may determine, and such mortgage may be deposited with said treasurer, and when so deposited it shall be included in the amount of



securities herein required to be deposited with said treasurer as security for the faithful performance of all such court trusts.

**§ 98. Additional Deposits With State Treasurer.**—Whenever any trust company, the principal place of business of which is located in a city the population of which does not exceed one hundred thousand persons, receives from the court trusts accepted by it, trust funds, as herein defined, to the amount of five hundred thousand dollars, it shall forthwith notify in writing the superintendent of banks of such fact, and within thirty days thereafter shall deposit with the State treasurer additional money or securities of the character mentioned and defined in section 96 of this act, approved as therein provided, in the amount of fifty thousand dollars; and whenever any trust company receives from court trusts such funds to the amount of one million dollars it shall further notify in writing the superintendent of banks of such fact and within thirty days thereafter shall deposit with the State treasurer additional money or securities of the character mentioned and defined in section 96 of this act, approved as therein provided, in the amount of fifty thousand dollars; and for each additional five hundred thousand dollars of such trust funds thereafter received by any trust company from court trusts a similar notification in writing shall forthwith be given to the superintendent of banks, and a further deposit in the amount of twenty-five thousand dollars of such money or securities, or of securities provided for in section 97 of this act likewise approved, shall be made, within thirty days thereafter, by such trust company with said State treasurer. The treasurer shall give his receipt for any money or securities so deposited and each and all of said deposits of money or securities, shall be held by said State treasurer for the sole benefit of the beneficiaries of the class of business for the security and protection of which same were deposited.

**State Responsible.**—The State shall be responsible for the custody and safe return of any money or securities so deposited with said State treasurer.

**Term "Trust Funds" Defined.**—The term "trust funds" when used in this section shall be deemed to mean and shall mean personal property and cash, whether received with the original trust property or as rent, income or proceeds thereof, or otherwise, in connection with the trust, and shall not be deemed to include and shall not include real property.

**Penalty.**—Any trust company failing to comply with the provisions of this section shall forfeit to the State of California one hundred dollars a day for each day during which such failure or default shall continue.

**Withdrawal of Securities.**—Upon making a request in writing to the superintendent of banks, any such trust company shall be entitled to withdraw from the State treasurer, from time to time, a sufficient amount of such securities so that at all times the amount of such securities so deposited shall conform to the requirements of this act, and so that at no time shall such trust company be required to have on deposit with the State treasurer an amount of securities in excess of the requirements of this act. Upon receiving such request in writing, and satisfactory proof of the facts warranting such withdrawal,

it shall be the duty of the superintendent of banks to forthwith deliver to the State treasurer a written order directing the withdrawal of said securities so as to conform with the provisions of this section, and it shall be the duty of the State Treasurer to comply with such written order.

**Acts Done Prior to Revocation of Certificate of Authority.**—The validity or legality of any act or proceeding done or taken by any such trust company, relating to or in connection with the administration of any such trusts, shall not be affected or impaired by the neglect or failure of such trust company, or of any officer or employee thereof, to comply with any of the provisions of this act, but all such acts and proceedings done or taken prior to the revocation of its certificate of authority to do such business by the superintendent of banks, under the provisions of this act, or the revocation by any court or judge thereof of the appointment, order or decree theretofore entered in such trust matter shall be as valid and effective for all purposes as if any such neglect or failure had not occurred.

§ 99. **Evidence of Title—Fees.**—When any part of the securities so deposited with the State treasurer consists of notes or bonds secured by mortgage or deed of trust, it shall be accompanied by a complete abstract of title or an unlimited certificate of title or a policy of title insurance prepared or issued by a person, company or corporation designated or approved by the superintendent of banks and authorized by law or otherwise found by the superintendent of banks to be competent to issue such evidence of title, which shall be examined and approved by or under the direction of said superintendent of banks. The fees for an examination of such evidence of title by counsel to be paid by the trust company making the deposit shall not exceed twenty dollars for each title examined, and the fee for each appraiser, not exceeding two, shall not exceed five dollars for each mortgage or deed of trust.

§ 100. [Repealed 1913.]

§ 101. **Trusts Classified.**—For the purposes of this act, all trusts permitted to be accepted or executed by any such trust company, under any provision of this act are hereby classified and defined as either:

- (a) Court trusts; or
- (b) Private trusts.

**Court Trust Defined.**—A court trust is one in which any such trust company acts under appointment, order or decree of any court, as executor, administrator, guardian, assignee, receiver, depository or trustee, or in which it receives on deposit from a public administrator, under any provision of this act, or from any executor, administrator, guardian, assignee, receiver, depository or trustee, under any order or decree of any court, money or property.

**Private Trust Defined.**—Any other trust is a private trust.

**Private Trusts not Subject to Inspection.**—The inspection and supervision of the superintendent of banks shall extend only to court trusts as herein defined. Private trusts shall not be subject to the in-

spection or supervision of the superintendent of banks, his attorneys, examiners or other assistants.

**Reports.**—In making the reports to the superintendent of banks required by this act, every trust company shall, in addition to the other facts to be reported by it, furnish only a list and brief description of the court trusts held by it, the source of appointment thereto, the authority by which the appointment or deposit was made, and the amount of real or personal property held by such trust company by virtue thereof.

§ 102. **Discontinuance of Business.**—Any corporation which desires to withdraw from and discontinue doing a trust business shall furnish to the superintendent of banks satisfactory evidence of its release and discharge from all the obligations and trusts hereinbefore provided for, and thereupon the superintendent of banks shall revoke his certificate of authority to do a trust business theretofore issued to such corporation, and the State treasurer shall return to said corporation all the securities deposited by such corporation and shall cancel any mortgage made by such corporation to said State treasurer as a part of such securities, and thereafter such corporation shall not be permitted to use and shall not use the word "trust" in its corporate name or in connection with its business.

§ 103. **Secrecy.**—Any trust company exercising the powers and performing the duties provided for in this act, shall, except as herein otherwise provided, keep inviolate all communications and writings made to or by said trustee touching the existence, condition, management and administration of any private trust confided to it; and no creditor or stockholder of any such trust company shall be entitled to disclosure or knowledge of any such communication or writing; provided, however, that the president, vice-president, manager, trust officer, secretary or regularly employed attorney of any such trust company shall be entitled to knowledge of any such communication or writing; and provided further, that in any suit or proceeding touching the existence, condition, management or administration of any such trust, the court wherein the same is pending may require disclosure of any such communication or writing.

§ 104. [Repealed 1913.]

§ 105. **Investment of Capital, Surplus and Trust Funds.**—Every trust company shall, except as otherwise provided by law, invest its capital and surplus and any trust funds received by it in connection with its trust business, in accordance with the laws relative to the investment or loan of funds deposited with savings banks, unless a specific agreement to the contrary is made between the trust company and the party creating the trust, or unless it is otherwise ordered by the court, in connection with any court trust.

§ 106. **Trust Company Doing Commercial or Savings Bank Business—Capital.**—Any such trust company desiring to do, or doing, a commercial banking business or a savings bank business, or both, in addition to its trust business shall have actually paid up, in cash, the amount of capital provided in section 23 of this act.

**Title Insurance Company Doing Trust Business—Capital.**—Any title insurance company authorized by its articles of incorporation to do, or doing a trust business, in addition to its title insurance business, shall comply with all the requirements of any law governing trust companies, and shall have a capital stock actually paid in, in cash, of not less than two hundred thousand dollars, and in addition thereto, the capital stock required by law for doing a title insurance business. Such capital for each such department or class of business shall be increased from time to time in the same manner and to the same extent as though each such department or class of business was conducted by a separate bank, trust company or title insurance company, instead of as separate departments or classes of business.

**Compliance With Act.**—Any trust company and any title insurance company doing a departmental business as above provided shall comply with the provisions of this act governing each of such departments and with the provisions of any law governing each such class of business as to its deposits, reserve, surplus, investments and loans.

§ 107. **Title Insurance and Trust Company—Supervision and Reports.**—Any corporation doing a departmental business as a title insurance company and as a trust company, shall, as to its trust department, be subject to the supervision and inspection of the superintendent of banks, and as to its trust department must make all reports to the superintendent of banks required to be made by trust companies by the provisions of this act, and as to its trust department such corporation shall also be subject to, and shall have the benefit of all other provisions and requirements of this act applicable to trust companies, and shall also be subject to and shall have the benefit of all of the banking laws and rules and regulations of the banking department of this State applicable to trust companies. The proportionate part of the State banking fund provided for by section 123 of this act, that shall be payable by such corporation, shall be based on the amount of capital and surplus of such corporation apportioned to its trust department.

## ARTICLE V.

### State Banking Department.

§ 120. **Superintendent of Banks—Appointment, Salary, Oath and Bond.**—There is hereby created a State banking department. The chief officer of such department shall be the superintendent thereof, and be known as the superintendent of banks. He shall be appointed by the governor, and shall hold office at the pleasure of the governor. He shall not, either directly or indirectly, be interested in any commercial bank, savings bank or trust company, or as an individual banker. He shall receive an annual salary of ten thousand dollars, to be paid monthly out of the State treasury on a warrant of the controller. He shall, within fifteen days from the time of notice of his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the Secretary of State, and execute to the people of the State a bond in the penal sum of fifty thousand dollars, with corporate surety or two or more sureties to be approved

by the Governor of the State, conditioned for the faithful discharge of the duties of his office.

**§ 121. Assistants and Compensation of.**—The superintendent of banks shall employ a chief deputy, attorney and such examiners and other assistants as he may need to discharge in a proper manner the duties imposed upon him by law, none of which examiners or assistants or attorneys shall be interested in any bank in this State as director, stockholder, officer or employee, and they shall perform such duties as he shall assign to them. He shall fix the compensation of the chief deputy, attorney, examiners and other assistants, which compensation shall be paid monthly on his certificate and on the warrant of the controller out of the State treasury.

**Chief Deputy, Appointment, Oath, Experience, Bond.**—The chief deputy shall within fifteen days from the time of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the Secretary of State. No person shall be appointed a chief deputy who has not had at least three years' active banking experience, either as an executive officer or employee of some bank in this State. In case of the absence or inability to act, or vacancy in the office of the superintendent of banks for thirty consecutive days, the chief deputy shall execute to the people of the State a bond in the penal sum of fifty thousand dollars, with corporate surety or two sureties to be approved by the controller and treasurer of the State, conditioned for the faithful discharge of the duties of the superintendent while such deputy acts as superintendent, and upon filing such bond such deputy shall have all the power and duties of superintendent of banks, until the inability of the superintendent shall be removed, or until a new superintendent of banks shall have been appointed by the Governor.

**Superintendent, Deputy or Examiner not to Become Indebted to Bank.**—No superintendent of banks, chief deputy, or bank examiner, shall be or shall become indebted, directly or indirectly, either as borrower, indorser, surety, or guarantor, to any bank under his supervision or subject to his examination.

**§ 122. Office.**—The superintendent of banks shall have his principal office in the city of San Francisco, and may also have suitable rooms in the city of Los Angeles, wherein to conduct the business of the State banking department. The superintendent shall, from time to time, obtain the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of such business; the expense of which shall be paid out of the State treasury on the certificate of the superintendent and the warrant of the controller.

**§ 123. State Banking Fund.**—A fund is hereby created to be known as the State banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually its share of eighty-seven thousand five hundred dollars, to be determined by the proportion which the capital and surplus which shall

include all reserve and contingent funds, of any incorporated bank or the surplus, reserve and contingent funds of any bank organized without a capital stock bear to the capital, surplus, reserve and contingent funds in the aggregate of all such banks receiving certificates of authorization from the superintendent of banks, as shown by the last report of such bank to the superintendent of banks. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the State, who shall deposit the same to the credit of said banking fund, and the unexpended balances of all moneys heretofore paid into the State treasury by any of the bank commissioners or the superintendent of banks, shall be retained and become a part of said fund; provided, however, that the superintendent shall have authority to retain in his possession and under his control the sum of five hundred dollars to be used by him as a revolving fund for the benefit of the State banking department until the end of the fiscal year at which time he shall make full settlement with the treasurer of the State. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank.

§ 124. **Examination.**—Every bank and the trust department of every title insurance company doing a trust business, shall be subject to the inspection of the superintendent of banks. The superintendent of banks, the chief deputy, or some competent person or persons to be appointed by the superintendent of banks, to be known as examiners, shall visit and examine every bank at least once each fiscal year. On every such examination inquiries shall be made by him as to the condition and resources of the bank, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its articles of incorporation and the law have been complied with in the administration of its affairs, and as to such other matters as the superintendent may prescribe.

**Extra Examination.**—Whenever, in the judgment of the superintendent of banks, the condition of any bank renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs the superintendent of banks shall have authority to make any and all necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs; and such bank shall pay for all such extra services rendered by the superintendent of banks at a price to be fixed by the superintendent of banks but not to exceed twenty dollars per day.

**Agency of Foreign Bank.**—The superintendent of banks shall also have power to examine, or cause to be examined, every agency located in this State of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of this State, and for such other purposes and as to such other matters as the superintendent may prescribe.

**Power to Administer Oath.**—The superintendent, chief deputy, and every such examiner shall have the power to administer an oath to any

person whose testimony he may require on the examination of any bank, or on the examination of any agency of any foreign bank or banking corporation, and to compel appearance and attendance of any such person for the purpose of any such examination.

**Appraisement of Securities of Doubtful Value.**—When a bank shall have been examined by any examiner, and he finds securities therein which are, in his judgment, of doubtful value, he shall report the same to the superintendent of banks, who thereupon shall be authorized to employ appraisers at the expense of such bank to appraise said securities, at a compensation to be fixed by the superintendent of banks.

**Auditor.**—The superintendent of banks shall, whenever requested to do so by any bank, provide an auditor to make an audit of the affairs of such bank. The compensation for making such audit shall be paid by the bank direct to the person making the audit.

**Private Trust or Title Insurance Business.**—Nothing herein shall be deemed to authorize or require the superintendent of banks to inspect or supervise the private trust business or title insurance business of any corporation doing a trust business.

§ 125. **Examiner—Oath.**—Every examiner appointed by the superintendent of banks shall, before entering upon the discharge of his duties, take the constitutional oath of office and cause the same to be filed in the office of the Secretary of State.

**No Examiner to be Appointed Receiver of Bank Examined.**—No such examiner shall be appointed receiver of any bank whose books, papers and affairs he shall have examined pursuant to his appointment.

§ 126. **Neglect to Report Insolvency or Unsafe Condition.**—If the chief deputy or any examiner shall have knowledge of the insolvency or unsafe condition of any bank mentioned in this act, and that it is unsafe or inexpedient to permit said bank to continue business, and shall neglect to forthwith report such fact in writing over his signature to the superintendent of banks, he shall be guilty of felony.

§ 127. **Grounds for Withholding Certificate of Authority.**—No bank shall transact any business in this State without the written approval of the superintendent of banks, and without his written certificate stating that it has complied with the provisions of this act, and all the requirements of law, and that it is authorized to transact, within this State, the business specified therein; which certificate may be withheld by the superintendent of banks whenever he has reason to believe that the bank is being formed for any other than the legitimate objects contemplated by this act, or whenever he has reason to believe that the public convenience and advantage will not be promoted by the opening of such bank, or whenever he has reason to believe that the corporate name assumed by such bank, by reason of the use by it of any one or more of the words "commercial," "trust," or "savings," in conjunction with any other word or words, resembles so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of this State.

**Preliminary Examination.**—Before issuing such certificate the superintendent of banks shall examine, or cause an examination to be

made, in order to ascertain whether the requisite capital of such bank has been paid up in cash or the requisite reserve or surplus fund has been accumulated.

**When Bank may Commence Business.**—The superintendent of banks shall not authorize such bank to commence business until it appears from such examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in, in cash, or that the requisite surplus or reserve fund has been accumulated or paid in, in cash, and until said bank shall have paid a fee of fifty dollars for each department to be operated by said bank.

§ 128. **Superintendent to Ascertain Character of Stockholders.**—When the certified copy of articles of incorporation of any bank shall have been filed with the Secretary of State, and application made for the issuance of a certificate to do business as a bank, the superintendent of banks, provided he has not withheld granting his certificate for any of the reasons set forth in section 127 hereof, shall ascertain, from the best sources of information at his command, whether the character and general fitness of the persons named as stockholders are such as to command the confidence of the community in which such bank is proposed to be located.

**Issuance of Certificate of Authorization.**—And, if so satisfied, he shall, within sixty days after such application has been made to him, issue, under his hand and official seal, the certificate of authorization required by this act. The superintendent of banks shall transmit a duplicate of such certificate of authorization to the county clerk of the county in which the principal place of business of such bank is located, and he shall file the same in his office. The superintendent of banks shall also file a duplicate of such certificate in his own office.

§ 129. **Bank Doing Departmental Business to Render Separate Report for Each Department.**—Every bank doing a departmental business shall render to the superintendent of banks for each department conducted by it, a separate report showing in detail as required by section 130 of this act, the actual financial condition of such department and shall at the time of furnishing said report separately publish the statement for each department as provided in section 132 of this act.

§ 130. **Reports to Superintendent.**—Every bank, organized under the laws of this State, shall, whenever required by the superintendent of banks, make a report in writing to him, verified by the oath of its president and its secretary or cashier, or two principal officers. Such reports shall show the actual financial condition of the bank making the report, at the close of any past day designated by the superintendent, and shall specify the following:

1. **Capital Stock and Shares.**—The amount of its capital stock and the number of shares into which it is divided.

2. **Directors and Number of Shares.**—The names of the directors and the number of shares of stock held by each.



3. **Capital Actually Paid, Surplus, Reserve and Other Funds.**—The total amount of capital actually paid in, in cash, and the total amount of surplus, reserve and any other funds.

4. **Amount Due Depositors.**—The total amount due the depositors.

5. **Other Liabilities.**—The total amount and character of any other liabilities it may have.

6. **Real Estate.**—The amount at which the lot and building occupied by the bank for the transaction of its regular business stands debited on its books; also the market value of all other real estate held, whether acquired in settlement of loans or otherwise, the original cost to the bank, the date when acquired, the amount at which it stands debited on the bank books, in what counties situated, and in what name the title is vested, if not in the name of the bank itself.

7. **Amount Loaned on Real Estate.**—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any name other than that of the bank and the instrument creating the security does not itself disclose the name of the bank.

8. **Bonds.**—The amount invested in bonds, designating the name and amount of each particular kind.

9. **Amount Loaned on Stocks and Bonds.**—The amount loaned on stocks and bonds, designating each particular class and the amount thereof.

10. **Amount Loaned on Other Securities.**—The amount of money loaned on other securities, with a particular designation of each class and the amount loaned on each.

11. **Money.**—The amount and kind of money on hand or deposited in any other bank or place, with the name of the place where deposited and the amount in each place.

12. **Other Property or Money not Otherwise Enumerated.**—Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situate and the value of said property, and the amount so loaned, deposited or placed.

13. **Date of Last Directors' Examination.**—The date on which examination of the bank was last made by its board of directors and the date on which report of such examination was filed, as required by section 139 of this act.

14. **Outstanding Loans.**—The outstanding and unpaid amounts of any loans made by the bank, which under the provisions of either section 65 or 83 of this act are required to be reported to the superintendent of banks.

15. **Overdrafts, etc.**—Any overdrafts and any loans, investments, acts or omissions violative of or not in conformity with any provision of this act which may be specifically called for.

**Reports by Foreign Banks.**—Every foreign corporation transacting the business of banking in this State shall make the report herein required as far as such report may relate to the affairs of such cor-

poration in this State, and every foreign corporation must particularly render the report required by subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of this section. Such report shall be made in writing and verified by the oath of one of its duly authorized officers or managers residing in this State. The oaths of the officers and the statements above required shall state that they and each of them have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true. Any willful false statement in the premises shall be perjury and shall be punished as such.

§ 130a. **Special Report.**—In addition to the information obtained from the report required by the provisions of section 130 of this act, the superintendent of banks shall also have the power to require any bank to furnish a special report in writing, verified as required by section 130 of this act, whenever in his judgment such special report is necessary to inform him fully of the actual financial condition and affairs of such bank. Any willful false statement in the premises shall be perjury and shall be punished as such.

§ 131. **Call for Reports.**—The superintendent of banks shall call for the reports specified by section 130 of this act at least three times each year. The "past day designated by the superintendent" of banks under the provisions of section 130 of this act shall be as nearly as possible the day designated by the comptroller of currency of the United States for reports of national banking associations.

§ 132. **Published Statement.**—At the time of furnishing such report to the superintendent of banks, every bank shall also publish a condensed statement of its financial condition, at least once, in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus funds; undivided profits, less expenses and taxes paid; due to other banks and bankers, due to trust companies and savings banks; individual deposits subject to checks; demand certificates of deposit; time deposit; certified checks; cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report.

§ 133. **Impairment or Reduction of Capital.**—Whenever it shall appear from the report of any bank, or the superintendent of banks shall have reason to believe that the capital of any bank is impaired or reduced below the amount required by law, it shall be the duty of the superintendent of banks and he shall have the power to examine said bank and ascertain the facts, and in case he finds such impairment or reduction of capital, he shall require such bank to make good the deficiency so appearing within sixty days after the date of such requisition.

**Assessment to Repair Deficiency.**—The directors of every such bank, upon which such requisition shall have been made, shall levy an assessment upon the stock thereof to repair such deficiency, and shall cause notice of such requisition to be given to each stockholder of the bank and of the amount of the assessment which he must pay for the purpose of making good such deficiency, by a written or printed notice mailed to such stockholder at his last known address or served personally upon him.

**Sale.**—If any stockholder shall refuse or neglect to pay the assessment specified in such notice within thirty days from the date of mailing or serving such notice as aforesaid, the directors of such bank shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving a previous notice of such sale for ten days in a newspaper of general circulation published in the county where the principal place of business of such bank is located, and a copy of such notice of sale shall also be served on the owner of such stock by being served personally on him or by mailing to his last known address ten days before the day fixed for such sale.

**Private Sale.**—Such stock may be sold at private sale and without such public notice; provided, however, that before making such private sale thereof an offer in writing shall first be obtained and a copy thereof served upon the owner of record of the stock sought to be sold, either personally or by mailing a copy of such offer to his last known address; and if, after service of such offer, such owner shall still refuse or neglect to pay such assessment within two weeks from the time of the service of such offer, the said directors may accept such offer and sell such stock to the person making such offer, or to any other person or persons making a larger offer than the amount named in the offer submitted to the stockholder; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the superintendent of banks in his determination and requisition as to said assessment, nor for less than the amount of said assessment so called for and the expense of sale. Out of the avails of the stock so sold, the directors shall pay the amount of assessment levied thereon, and the necessary costs of sale, and the balance, if any, shall be paid to the person or persons whose stock has thus been sold.

**Outstanding Certificate.**—A sale of stock as herein provided shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void, and a new certificate shall be issued by the bank to the purchaser thereof.

§ 134. **Order to Discontinue Violations or Unsafe Practices.**—If it shall appear to the superintendent of banks that any bank has violated or failed to comply with the provisions of its articles of incorporation, or any law of this State, he may, by an order under his hand and official seal, which seal must be adopted by him, addressed to such bank, direct such bank to discontinue such violation and to comply with the law; or, if it shall appear to the superintendent of banks that such bank is conducting business in an unsafe or injurious manner, he may, in like manner direct the discontinuance of any such unsafe or injurious practices.

**Order to Show Cause.**—Such order shall require such bank to show cause, before the superintendent of banks, at the time and place to

be fixed by him, why said order should not be observed. If upon such hearing it shall appear to the superintendent of banks that such bank is conducting business in an unsafe or injurious manner, or is violating or failing to comply with the provisions of its articles of incorporation, or any law of this State, then the superintendent of banks shall make such order final, and such bank shall immediately comply with such order made by the superintendent of banks.

**Suit to Restrain Enforcement of Order.**—Such bank shall have ten days after any such order is made final in which suit may be commenced to restrain enforcement of such order, and unless such action be so commenced and enforcement of said order be enjoined within ten days, by the court in which such suit is brought, then such bank shall comply with such order.

§ 135. **Superintendent may Call Meeting of Stockholders.**—Whenever the superintendent of banks shall deem it expedient he may call a meeting of the stockholders of any bank organized under the laws of this State, by a personal notice of such meeting for fifteen days previous thereto. All necessary expense incurred in the serving of such notice shall be borne by the bank whose stockholders are required to convene.

§ 135a. **Action to Procure Judgment Dissolving Corporation.**—If the capital of any bank shall be impaired, or if any bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of such bank, or if such bank shall violate the provisions of its articles of incorporation, or any law of this State, or if such bank shall suspend payment of its obligations, or if such bank shall conduct its business in an unsafe or unauthorized manner, or if from any examination or report provided for by this act the superintendent of banks shall conclude that such bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, an action to procure a judgment dissolving such corporation may be maintained by the superintendent of banks.

§ 136. **Superintendent to Take Possession of Unsound Bank.**—Whenever it shall appear to the superintendent of banks that any bank has violated the provisions of its articles of incorporation or any law of this State, or is conducting its business in an unsafe or unauthorized manner, or if the capital of any bank is impaired, or if any bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of any such bank or if any bank shall suspend payment of its obligations, or if from any examination or report provided for by this act the superintendent of banks shall have reason to conclude that such bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, or if any bank shall neglect or refuse to observe any order of the superintendent of banks specified in sections 133 or 134 of this act, the superintendent of banks may forthwith take possession of the property and business of such bank and retain such possession until

such bank shall resume business, or its affairs be finally liquidated as herein provided.

**Notice of Taking Possession—Effect of.**—On taking possession of the property and business of any such bank the superintendent of banks shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals, holding or in possession of any assets of such bank. No bank, trust company, association or individual knowing of such taking possession by the superintendent of banks, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the bank of whose property and business the superintendent of banks shall have taken possession as aforesaid.

**Resumption.**—Such bank may, with the consent of the superintendent of banks, resume business upon such conditions as may be approved by him.

**Authority to Collect Moneys.**—Upon taking possession of the property and business of any such bank the superintendent of banks shall have authority to collect moneys due to such bank and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided.

**Bad or Doubtful Debts.**—The superintendent of banks shall collect all debts due and claims belonging to it, and upon the order of the superior court may sell or compound any bad or doubtful debts. If a purchaser for any bad or doubtful debts cannot be obtained and it appears improbable that recovery thereon can be had and that the costs of actions to enforce collection of the same would probably be lost, the court may direct that suits thereon need not be brought.

**Sales.**—On like order he may sell any real or personal property of such bank on such terms as the court shall direct.

**Action to Enforce Stockholders' Liability.**—And may, if necessary to pay the debts of such bank, enforce the constitutional individual liability of stockholders by action to be brought within three years after the date of his taking possession of the affairs of such bank. The superintendent of banks shall determine the necessity of such action and the amount necessary to recover from the stockholders to fully pay all liabilities of such bank. Such action may be in equity and against all stockholders upon whom service of process in the State of California can be had, and the court may therein determine and provide for any equities as between the stockholders including the proportions of each stockholder to any surplus of money or assets that may remain after the payment of all liabilities and the expenses of liquidation. The superintendent of banks may also maintain an action against any stockholder residing out of the State or upon which service of process cannot be had within the State, in any court of the United States or of any State or country.

**Judgment may be Compromised.**—Any judgment so obtained by the superintendent of banks against such or any of such stockholders which is of doubtful value may be compromised and compounded by the superintendent of banks on such terms and conditions as the superior court may direct or authorize. The superintendent of banks shall file a notice

of pendency of action in the county recorder's office of the county where such action is brought.

**Creditor may Elect to Maintain Action in His Individual Capacity.—**

At any time prior to the trial of any such action, any creditor may serve upon the superintendent of banks and file with the court wherein such action is pending, notice that he elects to maintain an action against the stockholders or any of them, in his individual capacity and thereupon the amount sued for in such action shall be reduced accordingly and such creditor shall not be entitled to share in the proceeds resulting from such action brought by the superintendent of banks.

**Powers of Superintendent on Liquidation.—**For the purpose of executing and performing any of the powers and duties hereby conferred upon him, the superintendent of banks may, in the name of the delinquent bank or in his own name, prosecute and defend any and all suits and other legal proceedings and may, in the name of the delinquent bank or in his own name as trustee execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of real or personal property or sale or compromise or compound authorized by order of the court as herein provided; and any deed or other instrument, executed pursuant to the authority hereby given, shall be valid and effectual for all purposes, as though the same had been executed by the officers of the delinquent bank by authority of its board of directors. In case any of the real property so sold is located in a county other than the county in which the application to the court for leave to sell the same is made, the superintendent of banks shall cause a certified copy of the order authorizing or ratifying such sale to be filed in the office of the recorder of the county in which the said real property is located.

**Special Deputy Superintendents of Banks.—**The superintendent of banks may, under his hand and official seal, appoint one or more special deputy superintendents of banks, as agent or agents, with the powers specified in the certificate of appointment hereinafter mentioned, to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the superintendent of banks, and a certified copy in the office of the clerk of the county in which the principal office of such bank is located.

**Certificate of Appointment.—**The superintendent of banks may from time to time, by a certificate of appointment under his hand and official seal, specifying the powers conferred, authorize a special deputy superintendent to perform such duties connected with such liquidation and distribution as the superintendent of banks may deem proper. Such certificate of appointment shall be filed in the office of the superintendent of banks and a certified copy in the office of the clerk of the county in which the principal office of such bank is located.

**Counsel and Expert Assistance.—**The superintendent of banks may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such bank, and for that purpose may retain such of the officers or employees of such bank as he may deem necessary. The superintendent of banks shall require from a special deputy superintendent and from such assist-

ants such security for the faithful discharge of their duties as he may deem proper.

**Notice to Present Claims.**—The superintendent of banks shall cause notice to be given by advertisement, in such newspapers as he may direct, weekly for three consecutive months, calling on all persons who may have claims against such bank to present the same to the superintendent of banks, and make legal proof thereof at a place and within a time, not earlier than the last day of publication, to be therein specified. The superintendent of banks shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank.

**Notice of Rejection.**—If the superintendent of banks doubts the justice and validity of any claim, he may reject the same, and serve notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice which shall be *prima facie* evidence thereof shall be filed with the superintendent of banks.

**Action upon Rejected Claims.**—Any action upon a claim so rejected must be brought within six months after such service.

**Claims Presented After Time.**—Claims presented after the expiration of the time fixed in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the superintendent of banks equitably applicable thereto.

**Inventory.**—Upon taking possession of the property and assets of any bank, the superintendent of banks shall make an inventory of the assets of such bank in duplicate, one to be filed in the office of the superintendent of banks, and one with the papers in said proceeding in the office of the clerk of the county in which the principal office of such bank is located.

**List of Claims Presented.**—Upon the expiration of the time fixed for the presentation of claims the superintendent of banks shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, one to be filed in the office of the superintendent of banks, and one with the papers in said proceeding in the office of the clerk of the county in which the principal office of such bank is located.

**Supplemental List of Claims.**—Thereafter he shall make and file in said offices as above provided at least fifteen days before each application to the court for leave to declare a dividend a supplemental list of the claims presented since the last preceding list was filed, including and specifying such claims as have been rejected by him, and in any event he shall make and file as above provided such a list at least once every six months after the filing of the original list, as long as he shall remain in possession of the property and business of any such bank. Such inventory and list of claims shall be open at all reasonable times to inspection.

**Compensation of Employees and Expenses of Liquidation.**—The compensation of the special deputy superintendents, counsel and other employees and assistants, and all expenses of supervision and liquidation, shall be fixed by the superintendent of banks and shall upon the certificate of the superintendent of banks be paid out of the funds of such bank in the hands of the superintendent of banks. All such expenses must be re-

ported by the superintendent of banks to the superior court of the county where the principal place of business of such bank is located and settled by such court upon notice to such bank.

**Deposit of Moneys Collected.**—The moneys collected by the superintendent of banks shall be from time to time deposited in one or more State banks of deposit, savings banks or trust companies, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits.

**Dividends.**—At any time after the expiration of the date fixed for the presentation of claims the superior court may by order authorize the superintendent of banks to declare out of the funds remaining in his hands after the payment of expenses one or more dividends, and after the expiration of one year from the first publication of notice to creditors he may declare a final dividend, such dividends to be paid to such persons, and in such amounts, and upon such notice, as may be directed by the superior court of the county in which the principal office of such bank is located.

**Objections to Claims.**—Objections to any claim not rejected by the superintendent of banks may be made by any party interested by filing a copy of such objections with the superintendent of banks, who shall present the same to the superior court at the time of the next application to declare a dividend. The court to which such application is made shall thereupon dispose of said objections or may order a reference for that purpose, and should the objections to any claim be sustained by the court or by the referee, such claim shall not be allowed by the superintendent of banks until the claimant shall have established his claim by the judgment of a court of competent jurisdiction. The court must make proper provision for unproved or unclaimed deposits.

**Notice to Bailors to Remove Property.**—Should any bank at the time the superintendent of banks takes possession of its property and business, have in its possession, as bailee for safekeeping and storage, any jewelry, plate, money, specie, bullion, stocks, bonds, securities, valuable papers or other valuable personal property or should it have rented any vaults, safes or safe deposit boxes or any portion thereof for the storage of property of any kind, the superintendent of banks may at any time thereafter cause to be mailed to the person claiming to be or appearing upon its books to be the owner of such property, or the person in whose name the safe, vault or box stands, a notice in writing in a securely closed, post-paid registered letter, directed to such person at his postoffice address as recorded upon its books, notifying such person to remove, within a period fixed by said notice and not less than sixty days from the date thereof, all such personal property and upon the date fixed by said notice, the contract, if any, between such person and bank for the storage of said property or for the use of the said safe, vault or box shall cease and determine, and the amount of the unearned rent or charges, if any, paid by such person shall become a debt of the bank to said person. If the property be not removed within the time fixed by the notice, the superintendent of banks may make such disposition of said property as the superior court, upon application thereto, shall direct.

**Disposition of Contents of Safes, etc.**—And the superintendent of banks may cause any safe, vault or box to be opened in his presence or in



the presence of one of the special deputy superintendents of banks, and of a notary public not an officer or in the employ of the bank or of the superintendent of banks, and the contents thereof, if any, to be sealed up by such notary public in a package upon which such notary public shall distinctly mark the name and address of the person in whose name such safe, vault or box stands upon the books of the bank and shall attach thereto a list and description of the property therein; and the package so sealed and addressed, together with the list and description, may be kept by the superintendent of banks in one of the general safes or boxes of the bank until delivered to the person whose name it bears, or until otherwise disposed of as directed by the court.

**Application for Injunction Against Superintendent.**—Whenever any such bank of whose property and business the superintendent of banks has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time within ten days after taking such possession, apply to the superior court in the county in which the principal office of such bank is located to enjoin further proceedings; and said court, after citing the superintendent of banks to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts may, upon the merits, dismiss such application or enjoin the superintendent of banks from further proceedings, and direct him to surrender such business and property to such bank.

**Appeal.**—An appeal as above provided shall operate as a stay of the judgment of the superior court, and no bond need be given if the appeal be taken by the superintendent of banks; but if the appeal be taken by such bank, a bond shall be given, as required by section 943 of the Code of Civil Procedure.

**Meeting of Stockholders to Determine Whether Superintendent shall be Continued as Liquidator.**—Whenever the superintendent of banks shall have paid to each and every depositor and creditor of such bank whose claim or claims as such creditor or depositor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the superintendent of banks shall call a meeting of the stockholders of such bank giving notice thereof thirty days in one or more newspapers published in the county where the principal office of such bank is located. At such meeting the stockholders shall determine whether the superintendent of banks shall be continued as liquidator and shall wind up the affairs of such bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock shall be necessary to a determination.

**Completion of Liquidation by Superintendent.**—In case it is determined to continue the liquidation under the superintendent of banks, he shall complete the liquidation of the affairs of such bank, and after paying the expenses thereof, shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the superior court.

**Liquidation by Agent.**—In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent

or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall execute and file with the superintendent of banks a bond to the people of the State in such amount, and with such sureties and in such form as shall be approved by the superintendent of banks, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the superintendent of banks shall transfer and deliver to such agent or agents all the undivided or uncollected or other assets of such bank then remaining in his hands; and upon such transfer and delivery, the said superintendent of banks shall be discharged from any and all further liability to such bank and its creditors. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said bank as is herein provided in the case of distribution by the superintendent of banks, except that the expenses thereof shall be subject to the direction and control of a court of record of competent jurisdiction.

**Death, Removal or Refusal to Act of Agent.**—In case of the death, removal, or refusal to act of any such agent or agents, the stockholders, on the same notice, to be given by the superintendent of banks upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may elect a successor, who shall have the same powers and be subject to the same liabilities and duties as the agent originally elected.

**Dividends and Unclaimed Deposits Remaining Unpaid.**—Dividends and unclaimed deposits remaining unpaid in the hands of the superintendent of banks for six months after the order for final distribution shall be by him deposited with the State treasurer in the same manner and subject to the same disposition as provided for in section 1234 of the Code of Civil Procedure. The superintendent of banks may pay over the moneys so held by him to the persons respectively entitled thereto upon being furnished satisfactory evidence of their right to the same. In cases of doubt or conflicting claims he may require an order of the superior court authorizing and directing the payment thereof.

§ 136a. **Voluntary Liquidation.**—Any bank which has ceased to do a banking business whether through voluntary action on its part or through expiration of its corporate existence, shall immediately liquidate its affairs and any unclaimed deposits or dividends shall be paid into the State treasury in the manner and for the purposes provided in section 136 of this act within six months after the date such bank ceased to conduct a banking business, and in case the superintendent of banks shall have reason to conclude that the liquidation of such bank is not being safely or expeditiously conducted, he may take possession of the property of such bank and liquidate its affairs in the same manner as provided in section 136 of this act. Whenever any bank of whose property the superintendent of banks had taken possession as aforesaid, deems itself aggrieved thereby, it may within the time and in like manner and effect as provided in section 136 of this act apply to the superior court to enjoin further proceedings.

§ 136b. **Jurisdiction Vested in Superior Court of County.**—In any action or proceeding brought under any provision of this act, exclusive

original jurisdiction shall be vested in the superior court of the county in which is located the principal place of business of the bank affected thereby, and all proceedings relating to the same matter, under any provision of this act, including proceedings for liquidation of the affairs of any such bank, shall be filed with and treated as a part of the record in such original proceedings, and all papers relating to any such action or proceeding, including the copy of certificate of appointment of any special deputy and the inventories required to be filed in the matter of any such liquidation, shall be filed with and made a part of the record of such original proceeding, without the payment of any additional fees therefor, and in any such action no damage may be awarded, but the action otherwise shall be tried and determined according to the provisions of the Code of Civil Procedure.

§ 137. 1. **Voluntary Dissolution.**—Any bank shall have the right, on application of the stockholders or members to apply to the superior court of the county wherein its principal place of business is situated, to dissolve said bank in the manner provided for in title VI, part III, of the Code of Civil Procedure.

2. **Final Disposition of Unpaid Dividends.**—At the expiration of four months after the settlement of the final account of the receiver of any bank appointed prior to July 1, 1909, any dividends due depositors, or other creditors, or stockholders of such bank and remaining unpaid or uncalled for and in the hands of such receiver may be paid by him into the treasury of the county in which such bank is situated which money shall be held in the treasury of said county, and at the same time it shall be the duty of such receiver to furnish to the county treasurer of said county a list of names of all depositors or other persons to whom such money belongs or who are entitled thereto and thereupon such receiver shall be entitled to his discharge.

3. **Order of Court.**—The moneys referred to in subdivision 2 of this section shall be paid out on the order of the court appointing such receiver.

4. **Moneys to Escheat to State.**—All moneys paid under subdivision 2 of this section, uncalled for within five years after being paid in, shall by operation of law, and without action had, escheat to the State. All moneys held by any county treasurer under subdivision 2 of this section, when such moneys have escheated to the State, as hereinbefore provided, shall be paid by the county treasurer into the State treasury, and thereafter only be drawn out in such manner as may be provided for by law for the estates of deceased persons escheated to this State.

5. **Investment of Escheated Moneys.**—The State board of control must invest such moneys in the same manner that the State school land fund is invested as provided by law. But any claimant shall be entitled to recover as herein provided only the principal so paid into the State treasury.

§ 138. **Penalty for Failure to Report.**—If any bank shall fail to make any report required by the provisions of section 130 or 130a of this act, within ten days from the day designated for the making thereof by the superintendent of banks, or to include therein any matter required by the provisions of either of said sections, it shall forfeit to the people

of the State the sum of one hundred dollars for each day that any such report shall be so delayed or withheld by the failure or neglect of such bank.

**On Failure to Report, Superintendent to Examine.**—In the event of the failure of any such bank to make any such report required from it, the superintendent of banks may, in his discretion, immediately cause the books, papers and affairs of such bank to be examined at the expense of such bank.

§ 139. **Examinations by Directors.**—It shall be the duty of the board of directors of every bank to examine fully into the books, papers and affairs of the bank of which they are directors, and particularly into the loans and discounts thereof, with a special view to ascertaining the value and security thereof, and of the collateral security, if any given, in connection therewith, and into such other matters as the superintendent of banks may require; such examination to be made at least once a year, but no such subsequent yearly examinations shall be made within three months of the next preceding examination. Such directors shall have power to employ such assistance in making such examinations as they may deem necessary.

**Report by Board of Directors.**—Within ten days after the completion of such examination, a report in writing thereof, sworn to by the directors making the same, shall be made by the board of directors of such bank, and placed on file with the records of said bank, and shall be subject to examination by the superintendent of banks.

**Contents of Report.**—Such report shall particularly contain a statement of the assets and liabilities of the bank examined, as shown by its books, together with any deductions from the assets, or additions to liabilities, which such directors or committee, after such examination, may determine to make. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security, which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the bank.

**Extra Examination.**—If the directors of such bank shall fail to make such examination or fail to cause it to be made, or shall fail to file such report of such examination in the manner and within the time specified, the superintendent of banks shall have authority to make or cause to be made an extra examination of such bank, at the expense of such bank.

§ 140. **Report to Governor.**—The superintendent of banks shall report during the month of October of each year, to the Governor, for submission to the next ensuing session of the legislature:

1. **Summary.**—A summary of the state and condition of every bank required to report to him, and from which reports have been received the preceding year, with an abstract of the whole amount of capital re-

turned by them, the whole amount of their debts and liabilities, and the total amount of means and resources, specifying the amount of specie held by them at the time of the last report to him, and such other information in relation to such banks as, in his judgment, may be useful.

2. **Banks Authorized.**—A statement of all banks authorized by him to do business during the previous year, with their names and locations and dates of incorporation, and particularly designating such as have commenced business during the year.

3. **Banks Closed.**—A statement of the banks whose business has been closed during the year.

4. **Amendments to Banking Law.**—Any amendments to the banking law, which, in his judgment, may be desirable.

5. **Persons Employed—Receipts and Expenses.**—The names and compensation of all persons employed by him, and the whole amount of the receipts and expenses of the department during the year.

6. **Banks in Liquidation.**—The names of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

**One Thousand Copies Printed.**—Such report, and the usual number of copies for the use of the legislature, shall be printed and in readiness for distribution by the State Printer, and one thousand copies shall be printed for the use of the department, the expenses of which shall be charged among the general expenses of the department.

§ 141. 1. **Bulletin Board.**—The superintendent of banks shall keep in his office, in a place accessible to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday of each week a detailed statement, signed by him or, in case of his absence from San Francisco or inability to act, by the deputy superintendent in charge, giving the following items of general information with regard to the work of the department since the preceding statement:

(a) **Applications.**—The name of every bank that has filed in the banking department an application for authorization to commence business, its location and the date of filing of such application.

(b) **Authorizations.**—The name and location of every bank authorized by the superintendent of banks to commence business, its capital, surplus, and the date of authorization.

(c) **Refusals.**—The name of every bank to which a certificate of authorization has been refused by the superintendent of banks, and the date of notice of refusal.

(d) **Employees.**—The name and residence of every person appointed by the superintendent of banks as a deputy, examiner or employee in the banking department, the title of the office to which appointed, the compensation paid, and the date of appointment.

(e) **Calls.**—The date on which a call for a report by banks was issued by the superintendent of banks, and the day designated as the day with reference to which such report should be made.

(f) **Stockholders' Meetings.**—The name and location of every bank whose creditors or depositors have been paid in full by the superintendent of banks and a meeting of whose stockholders shall have been called, together with date of notice of meeting and date of meeting.

(g) **Banks Liquidated, or in Liquidation.**—The name and location of every bank subject to the banking law whose affairs and business shall have been finally liquidated, or in course of liquidation.

(h) **Changes of Name.**—The name and location of every bank which has applied for approval of a change of name, and the name proposed.

2. **File.**—Every such bulletin, after having been posted as aforesaid for one week, shall be placed on a file for such statements, to be kept in the office of the superintendent of banks. All such statements shall be public documents, and at all reasonable times shall be open to public inspection during usual banking hours.

§ 142. **Report Prima Facie Evidence.**—Every official report made by the superintendent and every report duly verified of an examination made, shall be *prima facie* evidence of the facts therein stated, for all purposes in any action or proceedings wherein such bank is a party.

§ 143. [Repealed 1913.]

§ 144. **Penalties and Forfeitures.**—Whenever by the terms of this act a penalty or forfeiture is imposed, the same shall be recovered in an action brought at the request of the superintendent of banks by the Attorney General, in the name of the people of the State, and the sum recovered shall be paid into the State banking fund and used in payment of claims against the said fund.

§ 145. **Bank Act—Controlling Effect of.**—The powers, privileges, duties and restrictions conferred and imposed upon any corporation or individual existing and doing business under the laws of this State are hereby abridged, enlarged or modified as each particular case may require to conform to the provisions of this act, notwithstanding anything to the contrary in their respective articles of incorporation or charters.

**Provisions Apply to All Banks Except Express Exception Made.**—All the provisions of this act shall apply with equal force and effect to all corporations which are now doing or which may hereafter do a banking business in this State, except where express exception or exemption may be made herein.

**Legality of Investments Heretofore Made.**—The legality of investments heretofore made, or title to property heretofore acquired or conveyed through transactions heretofore had by any bank pursuant to any provision of law in force, when such investments were made or transactions had, shall not be affected by the provisions of this act, except that any such investments made prior to July 1, 1909, when not complying with the provisions hereof, shall be changed to conform hereto; but such change shall be made gradually and in such manner as to prevent loss or embarrassment in the business of such bank, or unnecessary loss or injury to the borrowers on such security.

**All Investments not in Conformity must be Written Off Prior to July 1, 1918.**—Provided, further, that in any event, all investments and securities and excess in investments made prior to July 1, 1909, which are not in conformity with the provisions and spirit of this act and which have been acquired and are now held by any bank, must be written off as assets of such bank prior to July 1, 1918; and no bank holding any such investments or securities acquired prior to July 1, 1909, shall,

after July 1, 1918, be permitted to pay any dividends to its stockholders until it shall have written off all such nonconforming investments or securities; and provided, further, that the legality of any investments heretofore lawfully made, pursuant to the provisions of this act as it existed on and subsequent to July 1, 1909, shall not be affected by the provisions of this section.

§ 146. **Acts in Conflict Repealed.**—All acts, or parts of acts, in conflict with this act are hereby repealed.

§ 147. **In Effect.**—This act shall take effect July 1, 1909.

## NATIONAL BANK ACT.

(As Amended and Supplemented.)

### CHAPTER I.

#### Bureau of the Comptroller of the Currency.

1. **Bureau of the Comptroller of the Currency.**—(§ 324.) There shall be in the Department of the Treasury a Bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of a national currency secured by United States bonds, and, under the general supervision of the Federal Reserve Board, of all Federal reserve notes, the chief officer of which bureau shall be called the Comptroller of the Currency and shall perform his duties under the general directions of the Secretary of the Treasury.

2. **Comptroller of the Currency.**—(§ 325.) The Comptroller of the Currency shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate; and he shall be entitled to a salary of five thousand dollars a year.

3. **Qualification of Comptroller of the Currency, Amount of Bond.** (§ 326.) The Comptroller of the Currency shall, within fifteen days from the time of notice of his appointment, take and subscribe the oath of office; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office.

4. **Deputy Comptroller of the Currency.**—(§ 327.) There shall be in the Bureau of the Comptroller of the Currency a Deputy Comptroller of the Currency, to be appointed by the Secretary, who shall be entitled to a salary of two thousand five hundred dollars a year and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in the office or during the absence or inability of the Comptroller. The Deputy Comptroller shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars.

**5. Additional Deputy Comptrollers of the Currency.** Act May 22, 1908. . . . Deputy Comptroller, three thousand five hundred dollars; Deputy Comptroller, three thousand dollars.

**6. Clerks.**—(§ 328.) The Comptroller of the Currency shall employ, from time to time, the necessary clerks, to be appointed and classified by the Secretary of the Treasury, to discharge such duties as the Comptroller shall direct.

**7. Interest in National Banks Prohibited.**—(§ 329.) It shall not be lawful for the Comptroller or the Deputy Comptroller of the Currency, either directly or indirectly, to be interested in any association issuing national currency under the laws of the United States.

**8. Seal of Comptroller of the Currency.**—(§ 330.) [As amended 1875.] The seal devised by the Comptroller of the Currency for his office, and approved by the Secretary of the Treasury, shall continue to be the seal of office of the Comptroller, and may be renewed when necessary. A description of the seal, with an impression thereof, and a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State.

**9. Rooms, Vaults, and Furniture for Currency Bureau.**—(§ 331.) There shall be assigned, from time to time, to the Comptroller of the Currency, by the Secretary of the Treasury, suitable rooms in the Treasury building for conducting the business of the Currency Bureau, containing safe and secure fireproof vaults, in which the Comptroller shall deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the business of his office.

**10.** (§ 332.)

**11. Report of Comptroller.**—(§ 333.) [As amended 1875.] The Comptroller of the Currency shall make an annual report to Congress, at the commencement of its session, exhibiting—

First. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to such associations as in his judgment may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved and the security of the holders of its notes and other creditors may be increased.

Fourth. A statement exhibiting under appropriate heads the resources and liabilities and condition of the banks, banking companies, and savings banks organized under the laws of the several States and



Territories; such information to be obtained by the Comptroller from the reports made by such banks, banking companies, and savings banks to the legislatures or officers of the different States and Territories, and, where such reports cannot be obtained, the deficiency to be supplied from such other authentic sources as may be available.

Fifth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year.

**12. Comptroller to Give Complete List of All Employees of the Office, Information About Failed Banks, Employees Under Receivers, etc. Act April 28, 1902.**—Provided, That for the fiscal year of nineteen hundred and two and thereafter, a full and complete list of all officers, agents, clerks, and other employees of the office of the Comptroller of the Currency, including bank examiners, receivers and attorneys for receivers, and clerks employed by such examiners and receivers, or any other person connected with the work of said office in Washington or elsewhere, whose salary or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control, shall be transmitted to the Secretary of the Interior in accordance with the provisions of an act of Congress approved January twelfth, eighteen hundred and eighty-five, relating to the Official Register: And provided further, That the Comptroller of the Currency is hereby directed to include in his Annual Report to the Speaker of the House of Representatives, expenses incurred during each year, in liquidation of each failed national bank separately.

**13. Number of Copies of Report to be Printed. Act of January 12, 1895.**—(§ 73.) . . . There shall be printed of the annual report of the Comptroller of the Currency, ten thousand copies; one thousand for the Senate, two thousand for the House, and seven thousand for distribution by the Comptroller of the Currency.

**14. Three Thousand Additional Copies Authorized to be Printed—Joint Resolution No. 25, March 4, 1907.**—That section 73 of an act "Providing for the public printing and binding, and the distribution of public documents," approved January 12, 1895, be, and the same is hereby, so amended as to authorize the printing annually hereafter of ten thousand copies of the annual report of the Comptroller of the Currency, for distribution by the Comptroller of the Currency, instead of seven thousand copies as heretofore.

## CHAPTER II.

### Organization and Powers.

**15. The National Bank Act. Act June 20, 1879.**—(§ 1.) An act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall hereafter be known as "the national bank act."

**16. Formation of National Banking Associations.**—(§ 5133.) Associations for carrying on the business of banking under this title may be formed by any number of natural persons, not less in any case

than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the Comptroller of the Currency, to be filed and preserved in his office.

17. **Requisites of Organization Certificate.**—(§ 5134.) The persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specifically state:

First. The name assumed by such association; which name shall be subject to the approval of the Comptroller of the Currency.

Second. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or district, and the particular county and city, town, or village.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders and the number of shares held by each of them.

Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this title.

18. **How Certificate shall be Acknowledged and Filed.**—(§ 5135.) The organization certificate shall be acknowledged before a judge of some court of record, or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office.

19. **Corporate Powers of Association.**—(§ 5136.) Upon duly making and filing articles of association and an organization certificate, the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for the period of twenty years from its organization, unless it is sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed.

its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this title.

But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking.

**20. Increase of Capital Stock. Act May 1, 1886.—**(§ 1.) See par. 39.

**21. May Change Name and Location, How. Act May 1, 1886.—**(§ 2.) Any national banking association may change its name or the place where its operations of discount and deposit are to be carried on, to any other place within the same State, not more than thirty miles distant, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association. A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency; but no change of name or location shall be valid until the Comptroller shall have issued his certificate of approval of the same.

**22. Debts not Affected by Change. Act May 1, 1886.—**(§ 3.) All debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

**23. No Release from Liabilities. Act May 1, 1886.—**(§ 4.) Nothing in this act contained shall be so construed as in any manner to release any national banking association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested.

**24. National Banks Deemed Citizens of States in Which Located. Act August 13, 1888.—**(§ 4.) All national banking associations established under the laws of the United States shall, for the purposes of all actions by or against them, real, personal, or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located; and in such cases the circuit and district courts shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases commenced by the United States or by direction of any officer thereof, or cases for winding up the affairs of any such bank.

**25. Extension of Corporate Existence. Act July 12, 1882.—**(§ 1.) That any national banking association organized under the acts of February twenty-fifth, eighteen hundred and sixty-three, June third, eighteen hundred and sixty-four, and February fourteenth, eighteen hundred and eighty, or under sections 5133, 5134, 5135, 5136, and 5154 of the Revised Statutes of the United States, may, at any time within the two years next previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted, as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law, or unless hereafter modified or repealed.

**26. Consent of Two-thirds Necessary. Act July 12, 1882.—**(§ 2.) That such amendment of said articles of association shall be authorized by the consent in writing of shareholders owning not less than two-thirds of the capital stock of the association; and the board of directors shall cause such consent to be certified under the seal of the association, by the president or cashier, to the Comptroller of the Currency, accompanied by an application made by the president or cashier for the approval of the amended articles of association by the Comptroller; and such amended articles of association shall not be valid until the Comptroller shall give to such association a certificate under his hand and seal that the association has complied with all the provisions required to be complied with, and is authorized to have succession for the extended period named in the amended articles of association.

**27. Special Examination of Bank and Issue of Certificate of Approval by Comptroller. Act July 12, 1882.—**(§ 3.) That upon the receipt of the application and certificate of the association provided for in the preceding section, the Comptroller of the Currency shall cause a special examination to be made, at the expense of the association, to determine its condition; and if after such examination or otherwise, it appears to him that said association is in a satisfactory condition, he shall grant his certificate of approval provided for in the preceding section, or if it appears that the condition of said association is not satisfactory, he shall withhold such certificate of approval.

**28. Status not Changed by Extension, Jurisdiction of Suits by or Against National Banks. Act July 12, 1882.—**(§ 4.) That any association so extending the period of its succession shall continue to enjoy all the rights and privileges and immunities granted and shall continue to be subject to all the duties, liabilities, and restrictions imposed by the Revised Statutes of the United States and other acts having reference to national banking associations, and it shall continue to be in all respects the identical association it was before the extension of its period of succession: Provided, however, That the

jurisdiction for suits hereafter brought by or against any association established under any law providing for national banking associations, except suits between them and the United States or its officers and agents, shall be the same as, and not other than, the jurisdiction for suits by or against banks not organized under any law of the United States which do or might do banking business where such national banking association may be doing business when such suits may be begun. And all laws and parts of laws of the United States inconsistent with this proviso be, and the same are hereby, repealed.

**29. Dissenting Shareholders may Withdraw. Act July 12, 1882.**

(§ 5.) That when any national banking association has amended its articles of association as provided in this act, and the Comptroller has granted his certificate of approval, any shareholder not assenting to such amendment may give notice in writing to the directors, within thirty days from the date of the certificate of approval, of his desire to withdraw from said association, in which case he shall be entitled to receive from said banking association the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by such shareholder, one by the directors, and the third by the first two; and in case the value so fixed shall not be satisfactory to any such shareholder, he may appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of said reappraisal, and otherwise the appellant shall pay said expenses; and the value so ascertained and determined shall be deemed to be a debt due, and be forthwith paid, to said shareholder, from said bank; and the shares so surrendered and appraised shall, after due notice, be sold at public sale, within thirty days after the final appraisal provided in this section: Provided, That in the organization of any banking association intended to replace any existing banking association, and retaining the name thereof, the holders of stock in the expiring association shall be entitled to preference in the allotment of the shares of the new association in proportion to the number of shares held by them respectively in the expiring association.

**30. Redemption of Circulating Notes Issued Prior to Extension. Act July 12, 1882.—**

(§ 6.) That the circulating notes of any association so extending the period of its succession which shall have been issued to it prior to such extension shall be redeemed at the treasury of the United States, as provided in section 3 of the act of June twentieth, eighteen hundred and seventy-four, entitled "An act fixing the amount of United States notes, providing for redistribution of national bank currency, and for other purposes," and such notes when redeemed shall be forwarded to the Comptroller of the Currency, and destroyed, as now provided by law; and at the end of three years from the date of the extension of the corporate existence of each bank the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem the remainder of the circulation which was outstanding at the date

of its extension, as provided in sections fifty-two hundred and twenty-two, fifty-two hundred and twenty-four, and fifty-two hundred and twenty-five of the Revised Statutes; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States; and from time to time, as such notes are redeemed or lawful money deposited therefor as provided herein, new circulating notes shall be issued as provided by this act, bearing such devices, to be approved by the Secretary of the Treasury, as shall make them readily distinguishable from the circulating notes heretofore issued: Provided, however, That each banking association which shall obtain the benefit of this act shall reimburse to the treasury the cost of preparing the plate or plates for such new circulating notes as shall be issued to it.

**31. Dissolution of Banks not Extending Period of Succession. Act July 12, 1882.**—(§ 7.) That national banking associations whose corporate existence has expired or shall hereafter expire, and which do not avail themselves of the provisions of this act, shall be required to comply with the provisions of sections fifty-two hundred and twenty-one and fifty-two hundred and twenty-two of the Revised Statutes in the same manner as if the shareholders had voted to go into liquidation, as provided in section fifty-two hundred and twenty of the Revised Statutes; and the provisions of sections fifty-two hundred and twenty-four and fifty-two hundred and twenty-five of the Revised statutes shall also be applicable to such associations, except as modified by this act; and the franchise of such associations is hereby extended for the sole purpose of liquidating their affairs until such affairs are finally closed.

**32. Re-extension of Corporate Existence. Act of April 12, 1902.** That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association extended under said act which shall desire to continue its existence after the expiration of its charter.

**33. Power to Hold Real Property.**—(§ 5137.) A national banking association may purchase, hold, and convey real estate for the following purposes, and for no others:

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

**34. Requisite Amount of Capital.**—(§ 5138.) [As amended 1900.] No association shall be organized with a less capital than one hundred thousand dollars, except that banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants, and except that banks with a capital of not less than twenty-five thousand dollars may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed three thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than two hundred thousand dollars.

**35. Shares of Stock and Transfers.**—(§ 5139.) The capital stock of each association shall be divided into shares of one hundred dollars each, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

**36. How Payment of the Capital Stock must be Made and Certified.**—(§ 5140.) At least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in installments of at least ten per centum each, on the whole amount of the capital, as frequently as one installment at the end of each succeeding month from the time it shall be authorized by the Comptroller of the Currency to commence business; and the payment of each installment shall be certified to the Comptroller, under oath, by the president or cashier of the association.

**37. Proceedings if Shareholder Fails to Pay Installments.**—(§ 5141.) Whenever any shareholder, or his assignee, fails to pay any installment on the stock when the same is required by the preceding section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, or if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from the capital stock of the association. If any such cancellation and reduction shall

reduce the capital of the association below the minimum of capital required by law, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount; in default of which a receiver may be appointed, according to the provisions of section fifty-two hundred and thirty-four, to close up the business of the association.

**38. National Banks may Increase Capital Stock.**—(§ 5142.) Any association formed under this title may, by its articles of association, provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this title. But the maximum of such increase to be provided in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase is paid in, and notice thereof has been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association.

**39. Increase of Capital Stock. Act May 1, 1886.**—(§ 1.) That any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock, in accordance with existing laws, to any sum approved by the said Comptroller, notwithstanding the limit fixed in its original articles of association and determined by said Comptroller; and no increase of the capital stock of any national banking association either within or beyond the limit fixed in its original articles of association shall be made except in the manner herein provided.

**40. Reduction of Capital Stock.**—(§ 5143.) Any association formed under this title may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this title to authorize the formation of associations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and such reduction has been approved by the said Comptroller of the Currency and by the Federal Reserve Board, or by the organization committee pending the organization of the Federal Reserve Board.

**41. Right of Shareholders to Vote—Proxies Authorized.**—(§ 5144.) In all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or bookkeeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

**42. Election of Directors.**—(§ 5145.) The affairs of each association shall be managed by not less than five directors, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Cur-



rency to commence the business of banking; and afterward at meetings to be held on such day in January of each year as is specified therefor in the articles of association. The directors shall hold office for one year, and until their successors are elected and have qualified.

**43. Requisite Qualification of Directors.**—(§ 5146.) [As amended 1905.] Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed twenty-five thousand dollars, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

**44. Oath Required from Directors.**—(§ 5147.) Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this title, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and shall be filed and preserved in his office.

**45. Filling Vacancies.**—(§ 5148.) Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

**46. Proceedings Where No Election is Held on the Proper Day.**—(§ 5149.) If, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so.

**47. Election of President of the Board.**—(§ 5150.) One of the directors, to be chosen by the board, shall be the president of the board.

**48. Individual Liability of Shareholders.**—(§ 5151.) The shareholders of every national banking association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under State laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this title; and if at any time there is a deficiency in such surplus of twenty per centum, such association shall not pay any dividends to its shareholders until the deficiency is made good; and in case of such deficiency, the Comptroller of the Currency may compel the association to close its business and wind up its affairs under the provisions of chapter 4 of this Title.

**49. Executors, Trustees, etc., not Personally Liable.**—(§ 5152.) Persons holding stock as executors, administrators, guardians, or trustees shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be, if living and competent to act and hold the stock in his own name.

**50. National Banking Associations to be Depositaries of Public Moneys.**—(§ 5153.) [As amended 1907.] All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the government: Provided, That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the government for internal revenue, or for loans or stocks: Provided, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections.

**51. Interest on Public Deposits. Act May 30, 1908.**—(§ 15.) That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such as-

sociations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than one per centum per annum upon the average monthly amount of such deposits: Provided, however, That nothing contained in this act shall be construed to change or modify the obligation of any association or any of its officers for the safekeeping of public money: Provided, further, That the rate of interest charged upon such deposits shall be equal and uniform throughout the United States.

**52. Conversion of State Banks into National Banking Associations.** (§ 5154.) Any bank incorporated by special law of any State of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a national banking association under the provisions of the existing laws may, by the vote of the shareholders owning not less than fifty-one per centum of the capital stock of such bank or banking association, with the approval of the Comptroller of the Currency be converted into a national banking association, with any name approved by the Comptroller of the Currency:

Provided, however, That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of fifty-one per centum of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the association until others, are elected or appointed in accordance with the provisions of the statutes of the United States. When the Comptroller has given to such bank or banking association a certificate that the provisions of this act have been complied with, such bank or banking association, and all its stockholders, officers and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by the Federal Reserve Act and by the national banking act for associations originally organized as national banking associations.

**53. State Banks Having Branches.**—(§ 5155.) It shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother-bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother-bank, and each branch, to be regulated by the amount of capital assigned to and used by each.

**54. Reservation of Rights of Associations Organized Under Act of 1863.**—(§ 5156.) Nothing in this title shall affect any appointments made, acts done, or proceedings had or commenced prior to the third day of June, eighteen hundred and sixty-four, in or toward the organization of any national banking association under the act of February twenty-five, eighteen hundred and sixty-three; but all associations which on the third day of June, eighteen hundred and sixty-four, were organized or commenced to be organized under that act shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this title, notwithstanding all the steps prescribed by this title for the organization of associations were not pursued, if such associations duly organized under that act.

### CHAPTER III.

#### Obtaining and Issuing Circulating Notes.

**55. What Associations are Governed by Chapters Two, Three, and Four.**—(§ 5157.) The provisions of chapters two, three, and four of this title, which are expressed without restrictive words, as applying to "national banking associations," or to "associations," apply to all associations organized to carry on the business of banking under any act of Congress.

**56. Registered Bonds Intended by the Term "United States Bonds."**—(§ 5158.) The term "United States bonds," as used throughout this chapter, shall be construed to mean registered bonds of the United States.

**57. Deposit of Bonds Required Before Issue of Circulating Notes.**—(§ 5159.) Every association, after having complied with the provisions of this title, preliminary to the commencement of the banking business, and before it shall be authorized to commence banking business under this title, shall transfer and deliver to the Treasurer of the United States any United States registered bonds, bearing interest, [to an amount not less than thirty thousand dollars and not less than one-third of the capital stock paid in.] Such bonds shall be received by the Treasurer upon deposit and shall be by him safely kept in his office, until they shall be otherwise disposed of, in pursuance of the provisions of this title.

**NOTE.**—§ 17. So much of the provisions of section fifty-one hundred and fifty-nine of the Revised Statutes of the United States, and section four of the act of June twentieth, eighteen hundred and seventy-four, and section eight of the act of July twelfth, eighteen hundred and eighty-two, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds is hereby repealed. (Act of Dec. 23, 1913.)

**58. Panama Canal Bonds Have All Rights and Privileges Accorded to Other Two Per Cent Bonds of the United States. Act December 21, 1905.**—That the two per cent bonds of the United States authorized by section eight of the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific

oceans," approved June twenty-eight, nineteen hundred and two, shall have all the rights and privileges accorded by law to other two per cent. bonds of the United States, and every national banking association having on deposit, as provided by law, such bonds issued under the provisions of said section eight of said act approved June twenty-eight, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

59. **Increase or Reduction of Deposit to Correspond With Capital.**— (§ 5160.) The deposit of bonds made by each association shall be increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the Treasurer registered United States bonds to the amount [of at least one-third of its capital stock actually paid in.] And any association that may desire to reduce its capital, or close up its business and dissolve its organization, may take up its bonds upon returning to the Comptroller its circulating notes in the proportion hereinafter required, or may take up any excess of bonds beyond [one-third of its capital stock], and upon which no circulating notes have been delivered.

60. **Exchange of Coupon for Registered Bonds.**— (§ 5161.) To facilitate a compliance with the two preceding sections, the Secretary of the Treasury is authorized to receive from any association, and cancel, any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run.

61. **Manner of Making Transfers of Bonds.**— (§ 5162.) All transfers of United States bonds, made by any association under the provisions of this title, shall be made to the Treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier, or some other officer of the association making the deposit. A receipt shall be given to the association, by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that the bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency.

62. **Registry of Transfers.**— (§ 5163.) The Comptroller of the Currency shall keep in his office a book in which he shall cause to be entered, immediately upon countersigning it, every transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, presented for his signature. He shall state in such entry the name of the association from whose accounts the transfer is made, the name of the party to whom it is made, and the par value of the bonds transferred.

**63. Notice of Transfer to be Given to Association Interested.**—(§ 5164.) The Comptroller of the Currency shall, immediately upon countersigning and entering any transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, advise by mail the association from whose accounts the transfer is made, of the kind and numerical designation of the bonds, and the amount thereof so transferred.

**64. Examination of Registry and Bonds.**—(§ 5165.) The Comptroller of the Currency shall have at all times, during office hours, access to the books of the Treasurer of the United States for the purpose of ascertaining the correctness of any transfer or assignment of the bonds deposited by an association, presented to the Comptroller to countersign; and the Treasurer shall have the like access to the book mentioned in section fifty-one hundred and sixty-three, during office hours, to ascertain the correctness of the entries in the same; and the Comptroller shall also at all times have access to the bonds on deposit with the Treasurer to ascertain their amount and condition.

**65. Annual Examination of Bonds by Association.**—(§ 5166.) Every association having bonds deposited in the office of the Treasurer of the United States shall, once or oftener in each fiscal year, examine and compare the bonds pledged by the association with the books of the Comptroller of the Currency and with the accounts of the association, and, if they are found correct, to execute to the Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of the certificate. Such examination shall be made at such time or times, during the ordinary business hours, as the Treasurer and the Comptroller, respectively, may select, and may be made by an officer or agent of such association, duly appointed in writing for that purpose; and his certificate before mentioned shall be of like force and validity as if executed by the president or cashier. A duplicate of such certificate, signed by the Treasurer, shall be retained by the association.

**66. General Provisions Respecting Bonds.**—(§ 5167.) The bonds transferred to and deposited with the Treasurer of the United States, by any association, for the security of its circulating notes, shall be held exclusively for that purpose, until such notes are redeemed, except as provided in this title. The Comptroller of the Currency shall give to any such association powers of attorney to receive and appropriate to its own use the interest on the bonds which it has so transferred to the Treasurer; but such powers shall become inoperative whenever such association fails to redeem its circulating notes. Whenever the market or cash value of any bonds thus deposited with the Treasurer is reduced below the amount of the circulation issued for the same, the Comptroller may demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association, to be deposited with the Treasurer as long as such depreciation continues. And the Comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the Treasurer by any association for other

bonds of the United States authorized to be received as security for circulating notes, if he is of opinion that such an exchange can be made without prejudice to the United States; and he may direct the return of any bonds to the association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: Provided, That the remaining bonds which shall have been transferred by the association offering to surrender circulating notes are equal to the amount required for the circulating notes not surrendered by such association, and that the amount of bonds in the hands of the Treasurer is not diminished below the amount required to be kept on deposit with him, and that there has been no failure by the association to redeem its circulating notes, nor any other violation by it of the provisions of this title, and that the market or cash value of the remaining bonds is not below the amount required for the circulation issued for the same.

**67. Withdrawal of Circulating Notes on Deposit of Lawful Money and Withdrawal of Bonds. Act June 20, 1874.— (§ 4.)** That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the National Bank Act, and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: Provided, That the amount of the bonds on deposit for circulation shall not be reduced below fifty thousand dollars.

**68. Amount of Bonds Required to be on Deposit—Reduction of Amount or Retirement in Full of Circulating Notes. Act July 12, 1882.— (§ 8.)** That national banks now organized or hereafter organized, having a capital of one hundred and fifty thousand dollars, or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States, United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required. And such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law; [provided, that the amount of such circulating notes shall not in any case exceed ninety per centum of the par value of the bonds deposited as herein provided:] Provided further, That the national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national bank notes during the preceding year, and shall thereupon pay such assessment. And all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be

assessed and shall pay an assessment in the manner specified in section 3 of the act approved June 20, 1874, for the cost of transporting and redeeming their notes redeemed from such deposits subsequently to June 30, 1881.

**69. Withdrawal of Circulating Notes on Deposit of Lawful Money, and Withdrawal of Bonds—Not More Than Nine Millions to be Deposited During Any Calendar Month—Withdrawal of Additional Circulation on Deposit of Lawful Money or National Bank Notes. Act May 30, 1908.—**(§ 10.) That section 9 of the act approved July twelfth, eighteen hundred and eighty-two, as amended by the act approved March fourth, nineteen hundred and seven, be further amended to read as follows:

“§ 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section 4 of the act approved June twentieth, eighteen hundred and seventy-four, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: Provided, That not more than nine millions of dollars of lawful money shall be so deposited during any calendar month for this purpose.

“Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of securities other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: Provided, That the deposits under this section to retire notes secured by the deposit of securities other than bonds of the United States shall not be covered into the Treasury, as required by section 6 of an act entitled ‘An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,’ approved July fourteenth, eighteen hundred and ninety, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit.”

**70. Comptroller to Determine if Association can Commence Business.—**(§ 5168.) Whenever a certificate is transmitted to the Comptroller of the Currency, as provided in this title, and the association transmitting the same notifies the Comptroller that at least fifty per centum of its capital stock has been duly paid in, and that such association has complied with all the provisions of this title required to be complied with before an association shall be authorized to commence the business of banking, the Comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each is the owner in good faith, and generally whether such association has complied with all the provisions of this title required to entitle it to en-



gage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors, and by the president or cashier of the association, a statement of all the facts necessary to enable the Comptroller to determine whether the association is lawfully entitled to commence the business of banking.

**71. Certificate of Authority to Commence Banking to be Issued.—**(§ 5169.) If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it appears that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions required to be complied with before commencing the business of banking, and that such association is authorized to commence such business. But the Comptroller may withhold from an association his certificate authorizing the commencement of business, whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this title.

**72. Publication of Certificate.—**(§ 5170.) The association shall cause the certificate issued under the preceding section to be published in some newspaper printed in the city or county where the association is located, for at least sixty days next after the issuing thereof; or, if no newspaper is published in such city or county, then in the newspaper published nearest thereto.

**73.** (§ 5171.) See par. 74.

**74. Delivery of Circulating Notes. Act of March 14, 1900.—**(§ 12.) That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking associations now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: Provided, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: And provided further, That the circulating notes furnished to national

banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of five dollars: And provided further, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: And provided further, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the two per centum bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July twelfth, eighteen hundred and eighty-two, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

75. **Printing Denominations and Form of the Circulating Notes.**— (§ 5172.) [As amended May 30, 1908.] In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, one thousand dollars, and ten thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they are secured by United States bonds or other securities, certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to fifty per centum of the capital stock of each national banking association; such notes to be deposited in the treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law: Provided, That the Comptroller of the Currency may issue national bank notes of the present form until plates can be prepared and circulating notes issued as above provided: Provided, however, That in no event shall bank notes of the present form be issued to any bank as additional circulation provided for by this act."

**76. Charter Number to be Printed on Notes. Act June 20, 1874.—**(§ 5.) That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national bank notes which may be hereafter issued by him.

**77. Distinctive Paper for Printing Notes. Act March 3, 1875.—**(§ 1.) . . . . That the national bank notes shall be printed under the direction of the Secretary of the Treasury, and upon the distinctive or special paper which has been, or may hereafter be, adopted by him for printing United States notes.

**78. Plates and Dies to be Under the Control of the Comptroller.—**(§ 5173.) The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws respecting the procuring of such notes, and all other expenses of the Bureau of the Currency, shall be paid out of the proceeds of the taxes or duties assessed and collected on the circulation of national banking associations under this title.

**79. Examination of Plates and Dies.—**(§ 5174.) [As amended 1877.] The Comptroller of the Currency shall cause to be examined, each year, the plates, dies, bedpieces, and other material from which the national bank circulation is printed, in whole or in part, and file in his office annually a correct list of the same. Such material as shall have been used in the printing of the notes of associations which are in liquidation, or have closed business, shall be destroyed, under such regulations as shall be prescribed by the Comptroller of the Currency and approved by the Secretary of the Treasury. The expenses of any such examination or destruction shall be paid out of any appropriation made by Congress for the special examination of national banks and bank note plates.

**80. Limit to Issue of Notes Under Five Dollars.—**(§ 5175.) Not more than one-sixth part of the notes furnished to any association shall be of a less denomination than five dollars. After specie payments are resumed no association shall be furnished with notes of a less denomination than five dollars.

81. (§ 5176.) Repealed.

82. (§ 5177.) Repealed.

**83. Aggregate Amount of Circulating Notes not Limited. Act of January 14, 1875.—**(§ 3.) That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be and is hereby repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national bank currency among the several States and Territories are hereby repealed.

84. (§ 5178.) Superseded.

85. (§ 5179.) Superseded.

86. (§ 5180.) Superseded.

87. (§ 5181.) Superseded.

**88. For What Demands National Bank Notes may be Received.—**(§ 5182.) After any association receiving circulating notes under this title has caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association may issue and circulate the same as money. And the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

**89. Issue of Post Notes, etc., Prohibited.—**(§ 5183.) [As amended 1875.] No national banking association shall issue post notes or any other notes to circulate as money than such as are authorized by the provisions of this title.

**90. Destroying and Replacing Worn-out and Mutilated Notes.—**(§ 5184.) It shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to the association other blank circulating notes to an equal amount. Such worn-out or mutilated notes, after a memorandum has been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulating notes which shall have been paid or surrendered to be canceled [shall be burned to ashes] in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, one by the Treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. A certificate of [such burning], signed by the parties so appointed, shall be made in the books of the Comptroller, and a duplicate thereof forwarded to the association whose notes are thus canceled.

**91. Maceration of National Bank Notes. Act June 23, 1874. . . .** For the maceration of national bank notes . . . ; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the National Currency Act as requires national bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

**92. Organization of Associations to Issue Gold Notes.—**(§ 5185.) As amended 1875. Associations may be organized in the manner prescribed by this title for the purpose of issuing notes payable in gold; and upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States, in the manner prescribed for other associations, it shall be lawful for the Comptroller of the Currency to issue to the association making the deposit circulating notes of different denominations, but none of them of less than five

dollars, and not exceeding in amount eighty per centum of the par value of the bonds deposited, which shall express the promise of the association to pay them, upon presentation at the office at which they are issued, in gold coin of the United States, and shall be so redeemable.

**93. Reserve Requirements for Gold Banks.**—(§ 5186.) Every association organized under the preceding section shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation, in gold or silver coin of the United States; and shall receive at par in the payment of debts the gold notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this title: Provided, That, in applying the same to associations organized for issuing gold notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States, and the circulation of such association shall not be within the limitation of circulation mentioned in this title.

**94. Conversion of National Gold Banks into Currency Banks. Act February 14, 1880.**—That any national gold bank organized under the provisions of the laws of the United States, may, in the manner and subject to the provisions prescribed by section 5154 of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section 5133, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations: Provided, That all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank.

**95. Penalty for Issuing Circulating Notes to Unauthorized Associations.**—(§ 5187.) No officer acting under the provisions of this title shall countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this title, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed guilty of a high misdemeanor, and shall be fined not more than double the amount so countersigned and delivered, and imprisoned not less than one year and not more than fifteen years.

**96. Penalty for Imitating Bank Circulation—Use of Same for Advertising Purposes.**—(§ 5188.) It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, hand-bill, or advertisement, in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under this title, or any Act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Every person who violates this section shall be liable

to a penalty of one hundred dollars, recoverable one-half to the use of the informer.

**97. Penalty for Mutilating Circulation.**—(§ 5189.) Every person who mutilates, cuts, defaces, disfigures, or perforates with holes, or unites or cements together, or does any other thing to any bank bill, draft, note, or other evidence of debt, issued by any national banking association, or who causes or procures the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall be liable to a penalty of fifty dollars, recoverable by the association.

**ACT MAY 30, 1908, AUTHORIZING NATIONAL CURRENCY ASSOCIATIONS, THE ISSUE OF ADDITIONAL NATIONAL BANK CIRCULATION, AND CREATING A NATIONAL MONETARY COMMISSION.**

**98. Formation of National Currency Associations—What Banks Eligible—Manner of Forming—Association to be Body Corporate and Exercise Powers as Such—But One Association in Any City—Members of Association to be Taken as Nearly as Convenient from State, Part of State, or Contiguous Parts of One or More States—Officers, How Selected—Powers of Officers and Executive Committee—By-laws to be Approved by the Secretary of the Treasury.**—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That national banking associations, each having an unimpaired capital and a surplus of not less than twenty per centum, not less than ten in number, having an aggregate capital and surplus of at least five millions of dollars, may form voluntary associations to be designated as national currency associations. The banks uniting to form such association shall, by their presidents or vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the associated banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: Provided, That not more than one such national currency association shall be formed in any city: Provided further, That the several members of such national currency association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: And provided further, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national currency association, shall, upon its application to and upon the approval of the Secretary of the Treasury, be admitted to membership in a national currency association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate, and as such entitled to all the rights and privileges and subject to all the liabilities of an original

member: **And provided further, That each national currency association shall be composed exclusively of banks not members of any other national currency association.**

The dissolution, voluntary or otherwise, of any bank in such association shall not affect the corporate existence of the association unless there shall then remain less than the minimum number of ten banks: **Provided, however, That the reduction of the number of said banks below the minimum of ten shall not affect the existence of the corporation with respect to the assertion of all rights in favor of or against such association.** The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury. A president, vice-president, secretary, treasurer, and an executive committee of not less than five members, shall be elected by the board. The powers of such board, except in the election of officers and making of by-laws, may be exercised through its executive committee.

**99. Conditions Under Which Banks Belonging to National Currency Associations may Take Out Additional Circulation—Amount Limited to Seventy-five Per Cent of the Cash Value of the Securities and Commercial Paper Deposited—Issue of Additional Circulation on Deposit of State, City, Town, County, or Municipal Bonds Authorized to Extent of Ninety Per Cent of Their Market Value—The Banks and Assets of All Banks Members of Said Association Jointly and Severally Liable to the United States for the Redemption of Such Additional Circulation—Lien of United States Under Section 5230, Revised Statutes, Extended to Cover Assets of All Banks Belonging to the Association—Requirement of Additional Securities—When Association may Sell Securities Deposited With It.**—The national currency association herein provided for shall have and exercise any and all powers necessary to carry out the purposes of this section, namely, to render available, under the direction and control of the Secretary of the Treasury, as a basis for additional circulation any securities, including commercial paper, held by a national banking association. For the purpose of obtaining such additional circulation, any bank belonging to any national currency association, having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than forty per centum of its capital stock, and which has its capital unimpaired and a surplus of not less than twenty per centum, may deposit with and transfer to the association, in trust for the United States, for the purpose hereinafter provided, such of the securities above mentioned as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding seventy-five per centum of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied

with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding seventy-five per centum of the cash value of the securities so deposited: Provided, That upon the deposit of any of the State, city, town, county, or other municipal bonds, of a character described in section 3 of this act, circulating notes may be issued to the extent of not exceeding ninety per centum of the market value of such bonds so deposited: And provided further, That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of thirty per centum of its unimpaired capital and surplus. The term "commercial paper" shall be held to include only notes representing actual commercial transactions, which when accepted by the association shall bear the names of at least two responsible parties and have not exceeding four months to run.

The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section 5230 of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association, and to the securities deposited by the banks with the association pursuant to the provisions of this act; but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper, or an exchange of the securities already on deposit, to secure such additional circulation; and in case of the failure of such bank to make such deposit or exchange the association may, after ten days' notice to the bank, sell the securities and paper already in its hands at public sale, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of such additional circulation. If such fund be insufficient for that purpose the association may recover from the bank the amount of the deficiency by suit in the circuit court of the United States, and shall have the benefit of the lien hereinbefore provided for in favor of the United States upon the assets of such bank. The association or the Secretary of the Treasury may permit or require the withdrawal of any such securities or commercial paper and the substitution of other securities or commercial paper of equal value therefor.

**100. Redemption Fund Below Requirement—Duty of Treasurer of United States.**—(§ 2.) That whenever any bank belonging to a national currency association shall fail to preserve or make good its redemption fund in the Treasury of the United States, required by section 3 of the act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and forty-three, and the provisions of this act, the Treasurer of the United States shall notify such national currency association to make good such redemption fund, and upon the



failure of such national currency association to make good such fund, the Treasurer of the United States may, in his discretion, apply so much of the redemption fund belonging to the other banks composing such national currency association as may be necessary for that purpose; and such national currency association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association pursuant to the provisions of section 1 of this act, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of the additional circulation taken out by such bank under this act.

**101. What National Banks may Apply for Authority to Issue Additional Circulation on Bonds Other Than United States Bonds—What Bonds will be Accepted for Such Additional Circulation.**—(§ 3.) That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than forty per centum of its capital stock, and which has a surplus of not less than twenty per centum, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same, and shall determine the time of issue and fix the amount, within the limitations herein imposed, of the additional circulating notes to be issued. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in this section as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, not exceeding in amount ninety per centum of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in this section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed ten per centum of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this section, securities herein enumerated in such proportions as he may

from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

**102. Legal Title of Bonds Deposited to Secure Additional Circulation—Assignment of Bonds by Treasurer to be Countersigned by the Comptroller of the Currency.**—(§ 4.) That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of section 3 of this act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5163, 5164, 5165, 5166, 5167 and sections 5224 to 5232, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of section 3 of this act.

**103. Additional Circulation, How Treated—Limit to Amount of Circulation Issued to Each Bank—Limit to Total Amount Outstanding Under This Act.**—(§ 5.) That the additional circulating notes issued under this act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes except as herein expressly modified: Provided, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus: And provided further, That there shall not be outstanding at any time circulating notes issued under the provisions of this act to an amount of more than five hundred millions of dollars.

**104. Amount of Redemption Fund.**—(§ 6.) That whenever and so long as any national banking association has outstanding any of the additional circulating notes authorized to be issued by the provisions of this act it shall keep on deposit in the Treasury of the United States, in addition to the redemption fund required by section three of the act of June twentieth, eighteen hundred and seventy-four, an additional sum equal to five per centum of such additional circulation at any time outstanding, such additional five per centum to be treated, held, and used in all respects in the same manner as the original redemption fund provided for by said section three of the Act of June twentieth, eighteen hundred and seventy-four.

**105. Equitable Distribution of Notes.**—(§ 7.) In order that the distribution of notes to be issued under the provisions of this act shall be

made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: Provided, however, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

**106. Secretary of the Treasury to Furnish Information as to the Value and Character of Securities.**—(§ 8.) That it shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this act, and he shall from time to time furnish information to national banking associations as to such securities as would be acceptable under the provisions of this act.

107. (§ 9.) See par. 156.

108. (§ 10.) See par. 66.

109. (§ 11.) See par. 75.

**110. Circulating Notes to be Redeemed in Lawful Money of the United States.**—(§ 12.) That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section three of the act approved June twentieth, eighteen hundred and seventy-four, shall be redeemed in lawful money of the United States.

**111. All Acts of the Comptroller of the Currency and Treasurer of the United States Under This Act to be Approved by the Secretary of the Treasury.**—(§ 13.) That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this act shall have the approval of the Secretary of the Treasury who shall have power, also, to make any such rules and regulations and exercise such control over the organization and management of national currency associations as may be necessary to carry out the purposes of this act.

112. (§ 14.) See par. 120.

113. (§ 15.) See par. 51.

**114. Expenses of Act.**—(§ 16.) That a sum sufficient to carry out the purposes of the preceding sections of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

**115. Appointment of Monetary Commission.**—(§ 17.) That a commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the presiding officer thereof, and nine members of the House of Representatives, to be appointed by the speaker thereof; and any vacancy on

the commission shall be filled in the same manner as the original appointment.

**116. Powers of Commission—Commission to Report to Congress.—**(§ 18.) That it shall be the duty of this Commission to inquire into and report to Congress at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions of recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission was created. The commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary.

**117. Expenses of Commission.—**(§ 19.) That a sum sufficient to carry out the purposes of sections seventeen and eighteen of this act, and to pay the necessary expenses of the commission and its members, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such commission.

**118. When Act Expires by Limitation.—**(§ 20.) That this act shall expire by limitation on the thirtieth day of June, nineteen hundred and fourteen.

## CHAPTER IV.

### Regulation of the Banking Business.

**119. Place of Business.—**(§ 5190.) The usual business of each national banking association shall be transacted at an office or banking house located in the place specified in its organization certificate.

**120. Reserve Cities and Reserve Requirements.—**(§ 5191.) Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburg, St. Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of [its notes in circulation and] its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount [of its notes in circulation and] of its deposits. Whenever the lawful money of any association in any of the cities named shall be below the amount of twenty-five per centum of its [circulation and] deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its [circulation and] deposits, such association shall not increase its

liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required proportion, between the aggregate amount of its [outstanding notes of circulation and] deposits and its lawful money of the United States, has been restored. And the Comptroller of the Currency may notify any association, whose lawful money reserve shall be below the amount above required to be kept on hand, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section fifty-two hundred and thirty-four.

**121. What may be Counted as Reserve.**—(§ 5191.) Three-fifths of the reserve of fifteen per centum required by the preceding section to be kept, may consist of balances due to an association, available for the redemption of its circulating notes, from associations approved by the Comptroller of the Currency, organized under the act of June three, eighteen hundred and sixty-four, or under this title, and doing business in the cities of Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburg, Richmond, Saint Louis, San Francisco, and Washington. Clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association, shall also be deemed to be lawful money in the possession of any association belonging to such clearing-house, holding and owning such certificate, within the preceding section.

**122. Lawful Money Reserve to be Determined by Deposits. Act June 20, 1874.**—(§ 2.) That section thirty-one of "the national bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

**NOTE.**—§ 20. So much of sections two and three of the act of June twentieth, eighteen hundred and seventy-four, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes," as provides that the fund deposited by any national banking association with the Treasurer of the United States for the redemption of its notes shall be counted as a part of its lawful reserve as provided in the act aforesaid, is hereby repealed. And from and after the passage of this act such fund of five per centum shall in no case be counted by any national banking association as a part of its lawful reserve. (Act of Dec. 23, 1913.)

**123. No Reserve Need be Held Against Deposits of Public Money. Act May 30, 1908.**—(§ 14.) That the provisions of section fifty-one hundred and ninety-one of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

**124. Provisions for Redeeming Circulation—Five Per Cent—Redemption Fund. Act June 20, 1874.—**(§ 3.) That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in [United States notes]. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks, worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any assistant treasurer, or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: Provided, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: And provided further, That so much of section thirty-two of said national bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed. (See note to 122.)

**125. Clerical Force for Redemption of Circulating Notes. Act March 3, 1875.—**That to carry into effect the provisions of section three of the act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes," approved June twentieth, eighteen hundred and seventy-four, the Secretary of the Treasury is authorized to appoint the following force, to be employed under his direction, namely: In the Office of the Treasurer: . . . . In the Office of the Comptroller of the Currency. . . . . And at the end of each month, the Secretary of the Treasury shall reimburse the Treasury to the full amount paid out under

the provisions of this section by transfer of said amount from the deposit of the national banking association with the Treasury of the United States; and at the end of each fiscal year he shall transfer from said deposit to the Treasury of the United States such sum as may have been actually expended under his direction for stationery, rent, fuel, light, and other necessary incidental expenses which have been incurred in carrying into effect the provisions of the said section of the above-named act.

**126. Additional Reserve Cities. Act of March 3, 1903, Amending Act of March 3, 1887.—**(§ 1.) That whenever three-fourths in number of the national banks located in any city of the United States having a population of twenty-five thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes.

**127. Disposition of Redemption Account. Act July 14, 1890. (§ 6.)** That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt, and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby created, to be known as "national bank notes; redemption account," but the provisions of this act shall not apply to the deposits received under section three of the act of June twentieth, eighteen hundred and seventy-four, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to five per centum of its circulation, to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public debt statement as debt of the United States bearing no interest.

**128. Redemption of Lost or Stolen Notes, and of Notes not Properly Signed. Act July 28, 1892.—**That the provisions of the Revised Statutes of the United States, providing for the redemption of national bank notes, shall apply to all national bank notes that have been or may be issued to, or received by, any national bank, notwithstanding such notes may have been lost by or stolen from the bank and put in

circulation without the signature or upon the forged signature of the president or vice-president and cashier.

129. (§ 5193.) Repealed.

130. (§ 5194.) Superseded.

131. **Place for Redemption of Circulating Notes to be Designated.**— (§ 5195.) Each association organized in any of the cities named in section fifty-one hundred and ninety-one shall select, subject to the approval of the Comptroller of the Currency, an association in the city of New York, [at which it will redeem its circulating notes at par;] and may keep one-half of its lawful money reserve in cash deposits in the city of New York. [But the foregoing provision shall not apply to associations organized and located in the city of San Francisco for the purpose of issuing notes payable in gold. Each association not organized within the cities named shall select, subject to the approval of the Comptroller, an association in either of the cities named, at which it will redeem its circulating notes at par.] The Comptroller shall give public notice of the names of the associations selected [at which redemptions are to be made by the respective associations], and of any change that may be made of the association [at which the notes of any association are redeemed. Whenever any association fails either to make the selection or to redeem its notes as aforesaid, the Comptroller of the Currency may upon receiving satisfactory evidence thereof appoint a receiver, in the manner provided for in section fifty-two hundred and thirty-four, to wind up its affairs.] But this section shall not relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money on demand.

132. **National Banks not Required or Permitted to Redeem Their Circulating Notes Elsewhere Than at Their Own Counters.** Act June 20, 1874.— (§ 3.) . . . And provided, further, That so much of section thirty-two (section 5195, Revised Statutes) of said national bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

133. **Additional Central Reserve Cities.** Act March 3, 1887.— (§ 2.) That whenever three-fourths in number of the national banks located in any city of the United States having a population of two hundred thousand people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful money reserve of the national banks located in other reserve cities may be deposited, as provided in section fifty-one hundred and ninety-five of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, twenty-five per centum of its deposits, as provided in section fifty-one hundred and ninety-one of the Revised Statutes.

134. **National Banks to Take Notes of Other National Banks at Par.**— (§ 5196.) Every national banking association formed or exist-



ing under this title, shall take and receive at par, for any debt or liability to it, any and all notes or bills issued by any lawfully organized national banking association. But this provision shall not apply to any association organized for the purpose of issuing notes payable in gold.

**135. Limitation upon Rate of Interest Which may be Taken.**— (§ 5197.) Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, and no more, except that where by the law of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, or Territory, or District, the bank may take, receive, reserve or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the purchase, discount, or sale of a *bona fide* bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

**136. Penalty for Taking Unlawful Interest—Jurisdiction of Suits by or Against National Banks.**— (§ 5198.) [As amended 1875.] The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representative, may recover back, in an action in the nature of an action of debt, the amount of the interest thus paid from the association taking or receiving the same; provided such action is commenced within two years from the time the usurious transaction occurred. That suits, actions, and proceedings against any association under this title may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases.

**137. Dividends.**— (§ 5199.) The directors of any association may, semi-annually, declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

**138. Limitation of Liabilities Which may be Incurred by Any One Person, Company, etc.**— (§ 5200.) [As amended 1906.] The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such

associations, actually paid in and unimpaired, and one-tenth part of its unimpaired surplus fund: Provided, however, That the total of such liabilities shall in no event exceed thirty per centum of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

**139. Associations must not Loan on or Purchase Their Own Stock.** (§ 5201.) No association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or, in default thereof, a receiver may be appointed to close up the business of the association, according to section fifty-two hundred and thirty-four.

**140. Restriction on Bank's Indebtedness.**—(§ 5202.) No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

Fifth. Liabilities incurred under the provisions of the Federal Reserve Act.

The rediscount by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange, and of acceptances authorized by this act, shall be subject to such restrictions, limitations, and regulations as may be imposed by the Federal Reserve Board.

**141. Restriction upon Use of Circulating Notes.**—(§ 5203.) No association shall, either directly or indirectly, pledge or hypothecate any of its notes or circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

**142. Prohibition upon Withdrawal of Capital—Unearned Dividends Prohibited.**—(§ 5204.) No association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it continues its banking operations, to an amount greater than its net profits then on hand, deducting therefrom

its losses and bad debts. All debts due to any association, on which interest is past due and unpaid for a period of six months, unless the same are well secured, and in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock of the association under section 5143.

**143. Assessment for Failure to Pay Up Capital Stock or for Impairment of Capital.**—(§ 5205.) [As amended 1876.] Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders *pro rata* for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the Comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section 5234: And provided, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the association, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto) to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders.

**144. Prohibition Against Uncurrent Notes.**—(§ 5206.) No association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation, the notes of any bank or banking association which are not, at any such time, receivable, at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall any association knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

**145. United States Notes not to be Held as Collateral.**—(§ 5207.) No association shall hereafter offer or receive United States notes or national bank notes as security or as collateral security for any loan of money, or for a consideration agree to withhold the same from use, or offer or receive the custody or promise of custody of such notes as security, or as collateral security, or consideration for any loan of money. Any association offending against the provisions of this section shall be

deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars and a further sum equal to one-third of the money so loaned. The officer or officers of any association who shall make any such loan shall be liable for a further sum equal to one-quarter of the money loaned; and any fine or penalty incurred by a violation of this section shall be recoverable for the benefit of the party bringing such suit.

**146. Issue of Gold Certificates. Act July 12, 1882.—**(§ 12.) That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin . . . and issue certificates therefor. . . . Said certificates . . . when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances: . . . And the provisions of section 5207 of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

**147. Penalty for Falsely Certifying Checks.—**(§ 5208.) It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section 5234.

**148. Punishment for Falsely Certifying Checks. Act July 12, 1882.—**(§ 13.) That any officer, clerk, or agent of any national banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March 3, eighteen hundred and sixty-nine, being section 5208 of the Revised Statutes of the United States, or who shall resort to any device, or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, in the discretion of the court.

**149. Penalty for Embezzlement, Abstraction, Willful Misapplication, False Entries, etc.—**(§ 5209.) Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association; or who, without authority from the directors, issues or puts in

circulation any of the notes of the association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

**150. National Banks not Permitted to Make Contributions in Connection With Election to Political Office.** Act January 26, 1907.—That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding five thousand dollars, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding one thousand and not less than two hundred and fifty dollars, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

**151. List of Shareholders.**—(§ 5210.) The president and cashier of every national banking association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business hours of each day in which business may be legally transacted. A copy of such list, on the first Monday of July of each year, verified by the oath of such president or cashier, shall be transmitted to the Comptroller of the Currency.

**152. Reports to Comptroller of the Currency.**—(§ 5211.) [As amended 1877.] Every association shall make to the Comptroller of the Currency not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities

of the association at the close of business on any past day by him specified; and shall be transmitted to the Comptroller within five days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the Comptroller shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the Comptroller. The Comptroller shall also have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition.

**153. Verification of Reports. Act February 26, 1881.**—That the oath or affirmation required by section 5211 of the Revised Statutes, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, or any other officer having an official seal, authorized in such State to administer oaths, shall be a sufficient verification as contemplated by said section 5211: Provided, That the officer administering the oath is not an officer of the bank.

**154. Report of Dividends.**—(§ 5212.) In addition to the reports required by the preceding section, each association shall report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend, and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the association.

**155. Penalty for Failure to Make Reports.**—(§ 5213.) Every association which fails to make and transmit any report required under either of the two preceding sections shall be subject to a penalty of one hundred dollars for each day after the periods, respectively, therein mentioned, that it delays to make and transmit its report. Whenever any association delays or refuses to pay the penalty herein imposed, after it has been assessed by the Comptroller of the Currency, the amount thereof may be retained by the Treasurer of the United States, upon the order of the Comptroller of the Currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation. All sums of money collected for penalties under this section shall be paid into the Treasury of the United States.

**156. Taxes Payable to the United States.**—(§ 5214.) [As amended May 30, 1908.] National banking associations having on deposit bonds of the United States, bearing interest at the rate of two per centum per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section 8 of "An act to provide for the construction of a canal connecting the waters of the

Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than two per centum per annum shall pay a tax of one-half of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first month a tax at the rate of five per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of one per centum per annum for each month until a tax of ten per centum per annum is reached, and thereafter such tax of ten per centum per annum, upon the average amount of such notes. Every national banking association having outstanding circulating notes secured by a deposit of other securities than United States bonds shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation; and it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records. The taxes received on circulating notes secured otherwise than by bonds of the United States shall be paid into the Division of Redemption of the Treasury and credited and added to the reserve fund held for the redemption of the United States and other notes.

**157. Half-yearly Return of Circulation** [Deposits and Capital Stock]. (§ 5215.) In order to enable the Treasurer to assess the duties imposed by the preceding section, each association shall, within ten days from the first days of January and July of each year, make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average amount of its notes in circulation [and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds] for the six months next preceding the most recent first day of January or July. Every association which fails so to make such return shall be liable to a penalty of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option in the manner in which penalties are to be collected of other corporations under the laws of the United States.

**158. Penalty for Failure to Make Return.**—(§ 5216.) Whenever any association fails to make the half-yearly return required by the preceding section, the duties to be paid by such association shall be

assessed upon the amount of notes delivered to such association by the Comptroller of the Currency [and upon the highest amount of its deposits and capital stock, to be ascertained in such manner as the Treasurer may deem best].

159. **Enforcing Tax on Circulation.**—(§ 5217.) Whenever an association fails to pay the duties imposed by the three preceding sections, the sums due may be collected in the manner provided for the collection of United States taxes from other corporations; or the Treasurer may reserve the amount out of the interest, as it may become due, on the bonds deposited with him by such defaulting association.

160. **Refunding Excess Tax.**—(§ 5218.) In all cases where an association has paid or may pay in excess of what may be or has been found due from it, on account of the duty required to be paid to the Treasurer of the United States, the association may state an account therefor, which, on being certified by the Treasurer of the United States, and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

161. **No Tax to be Paid by Insolvent Banks. Act March 1, 1879.**—(§ 22.) That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent.

162. **State Taxation.**—(§ 5219.) Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by nonresidents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

## CHAPTER V.

### Dissolution and Receivership.

163. **Two-thirds Vote Required for Liquidation.**—(§ 5220.) Any association may go into liquidation and be closed by the vote of its share holders owning two-thirds of its stock.



**164. Notice of Voluntary Liquidation.**—(§ 5221.) Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in the city or town in which the association is located, or if no newspaper is there published, then in the newspaper published nearest thereto, that the association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment.

**165. Deposit of Lawful Money to Redeem Circulation.**—(§ 5222.) Within six months from the date of the vote to go into liquidation, the association shall deposit with the Treasurer of the United States, lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for money thus deposited, and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received; and the money shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account.

**166. No Deposit Required for Consolidation.**—(§ 5223.) An association which is in good faith winding up its business for the purpose of consolidating with another association shall not be required to deposit lawful money for its outstanding circulation; but its assets and liabilities shall be reported by the association with which it is in process of consolidation.

**167. Reassignment of Bonds and Redemption of Notes of Liquidating Banks.**—(§ 5224.) [As amended 1875.] Whenever a sufficient deposit of lawful money to redeem the outstanding circulation of an association proposing to close its business has been made, the bonds deposited by the association to secure payment of its notes shall be re-assigned to it, in the manner prescribed by section 5162. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed at the Treasury of the United States. And if any such bank shall fail to make the deposit and take up its bonds thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction in New York City, and, after providing for the redemption and cancellation of said circulation, and the necessary expenses of the sale, to pay over any balance remaining to the bank or its legal representatives.

**168. Duty of Treasurer, Assistant Treasurers, etc., to Return Notes of Failed or Liquidating Banks to Treasury for Redemption. Act June 20, 1874.**—(§ 8.) And it shall be the duty of the Treasurer, as-

sistant treasurers, designated depositaries, and national bank depositaries of the United States to assort and return to the Treasury for redemption the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

**169. Destruction of Redeemed Notes.**—(§ 5225.) [As amended 1877.] Whenever the Treasurer has redeemed any of the notes of an association which has commenced to close its affairs, under the five preceding sections, he shall cause the notes to be mutilated and charged to the redemption account of the association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and [burned] in the manner prescribed in section 5184.

**170. Protest of Bank Circulation.**—(§ 5226.) Whenever any national banking association fails to redeem in the lawful money of the United States any of its circulating notes, upon demand of payment duly made during the usual hours of business, at the office of such association, or at its designated place of redemption, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association whose notes are presented for payment [or the president or cashier of the association at the place at which they are redeemable] offers to waive demand and notice of the protest, and, in pursuance of such offer, makes, signs, and delivers to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the nonpayment thereof. The notary public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency, retaining a copy thereof. If, however, satisfactory proof is produced to the notary public that the payment of the notes demanded is restrained by order of any court of competent jurisdiction, he shall not protest the same. When the holder of any notes causes more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

**171. Bonds Forfeited if Circulation is Dishonored—Examination by Special Agent.**—(§ 5227.) On receiving notice that any national banking association has failed to redeem any of its circulating notes, as specified in the preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent, of whose appointment immediate notice shall be given to such association, who shall immediately proceed to ascertain whether it has refused to pay its circulating notes in the lawful money of the United States, when demanded, and shall report to the Comptroller the fact so ascertained. If, from such protest, and the report so made, the Comptroller is satisfied that such association has refused to pay its circulating notes and is in default, he shall, within thirty days after he has received notice of such failure, declare the bonds deposited by

such association forfeited to the United States, and they shall thereupon be so forfeited.

172. **Suspension of Business After Default.**—(§ 5228.) [As amended 1875.] After a default on the part of an association to pay any of its circulating notes has been ascertained by the Comptroller, and notice thereof has been given by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits.

173. **Notice to Present Circulation for Redemption—Cancellation of Bonds.**—(§ 5229.) Immediately upon declaring the bonds of an association forfeited for nonpayment of its notes, the Comptroller shall give notice, in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association, to present them for payment at the Treasury of the United States; and the same shall be paid as presented in lawful money of the United States; whereupon the Comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid.

174. **Sale of Bonds at Auction—First Lien for Redeeming Circulation.**—(§ 5230.) Whenever the Comptroller has become satisfied, by the protest or the waiver and admission specified in section 5226, or by the report provided for in section 5227, that any association has refused to pay its circulating notes, he may, instead of canceling its bonds, cause so much of them as may be necessary to redeem its outstanding notes to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to the association. For any deficiency in the proceeds of all the bonds of an association, when thus sold, to reimburse to the United States the amount expended in paying the circulating notes of the association, the United States shall have a paramount lien upon all its assets; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

175. **Bonds may be Sold at Private Sale.**—(§ 5231.) The Comptroller may, if he deems it for the interest of the United States, sell at private sale any of the bonds of an association shown to have made default in paying its notes, and receive therefor either money or the circulating notes of the association. But no such bonds shall be sold by private sale for less than par, nor for less than the market value thereof at the time of sale; and no sales of any such bonds, either public or private, shall be complete until the transfer of the bonds shall have been made with the formalities prescribed by sections 5162, 5163, and 5164.

**176. Disposal of Redeemed Notes—Regulations for Redemption Records.**—(§ 5232.) The Secretary of the Treasury may, from time to time, make such regulations respecting the disposition to be made of circulating notes after presentation at the Treasury of the United States for payment, and respecting the perpetuation of the evidence of the payment thereof, as may seem to him proper.

**177. Redeemed Notes to be Canceled.**—(§ 5233.) All notes of national banking associations presented at the Treasury of the United States for payment shall, on being paid, be canceled.

**178. Appointment and Duties of Receivers.**—(§ 5234.) On becoming satisfied, as specified in sections 5226 and 5227, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he deems proper. Such receiver, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, may sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders. Such receiver shall pay over all money so made to the Treasurer of the United States, subject to the order of the Comptroller, and also make report to the Comptroller of all his acts and proceedings.

**179. Notice to Creditors of Insolvent Banks to Present Claims.**—(§ 5235.) The Comptroller shall, upon appointing a receiver, cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof.

**180. Dividends—Distribution of Assets of Insolvent Banks.**—(§ 5236.) From time to time, after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association, the Comptroller shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and, as the proceeds of the assets of such association are paid over to him, shall make further dividends on all claims previously proved or adjudicated; and the remainder of the proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held.

**181. When Bank may Enjoin Further Proceedings.**—(§ 5237.) Whenever an association against which proceedings have been instituted, on account of any alleged refusal to redeem its circulating notes

as aforesaid, denies having failed to do so, it may, at any time within ten days after it has been notified of the appointment of an agent, as provided in section 5227, apply to the nearest circuit, or district, or territorial court of the United States to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of the jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the Comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

**182. Fees and Expenses.**—(§ 5238.) All fees for protesting the notes issued by any national banking association shall be paid by the person procuring the protest to be made, and such association shall be liable therefor; but no part of the bonds deposited by such association shall be applied to the payment of such fees. All expenses of any preliminary or other examinations into the condition of any association shall be paid by such association. All expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

**183. When Receiver may be Appointed. Act June 30, 1876.**—(§ 1.) That whenever any national banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section 5239 of the Revised Statutes of the United States, or whenever any creditor of any national banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of the national banking association, he may, after due examination of its affairs, in either case, appoint a receiver who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section 5234 of said statutes.

**184. Creditor's Bill Against Shareholders. Act June 30, 1876.**—(§ 2.) That when any national banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditor's bill, brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established.

**185. Appointment, Qualification, and Duties of Shareholders' Agent. Act June 30, 1876, as Amended 1892, 1897.—(§ 3.)** That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of the Revised Statutes of the United States, and when, as provided in section 5236 thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims, and all expenses of the receivership, and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto. At such meeting the shareholders shall determine whether the receiver shall be continued and shall wind up the affairs of such association, or whether an agent shall be elected for that purpose, and in so determining the said shareholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value and number of shares shall be necessary to determine whether the said receiver shall be continued, or whether an agent shall be elected. In case such majority shall determine that the said receiver shall be continued, the said receiver shall thereupon proceed with the execution of his trust, and shall sell, dispose of, or otherwise collect the assets of the said association, and shall possess all the powers and authority, and be subject to all the duties and liabilities originally conferred or imposed upon him by his appointment as such receiver, so far as the same remain applicable. In case the said meeting shall, by the vote of a majority of the stock in value and number of shares, determine that an agent shall be elected, the said meeting shall thereupon proceed to elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the person who shall receive votes representing at least a majority of stock in value and number shall be declared the agent for the purposes hereinafter provided; and whenever any of the shareholders of the association shall, after the election of such agent, have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of each and every claim that may thereafter be proved and allowed by and before a competent court, and for the faithful performance of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said Comptroller and said receiver, or either of them; and for this purpose said Comp-

troller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; and upon the execution and delivery of such instrument to the said agent the said Comptroller and the said receiver shall by virtue of this act be discharged from any and all liabilities to such association and to each and all the creditors and shareholders thereof.

Upon receiving such deed, assignment, transfer, or other instrument, the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof for the benefit of the shareholders of such association, and he may, in his own name, or in the name of such association, sue and be sued and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was carried on, and shall at the conclusion of his trust render to such district or circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the sureties upon said bond. And in case any such agent so elected shall refuse to serve, or die, resign, or be removed, any shareholder may call a meeting of the shareholders of such association in the town, city, or village where the business of the said association was carried on, by giving notice thereof for thirty days in a newspaper published in said town, city, or village, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and shall have executed a bond to the shareholders conditioned for the faithful performance of his duties, in the penalty fixed by the shareholders at said meeting, with two sureties, to be approved by a judge of a court of record, and file said bond in the office of the clerk of a court of record in the county where the business of said association was carried on, he shall have all the rights, powers, and duties of the agent first elected as hereinbefore provided. At any meeting held as hereinbefore provided administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians of minors and trustees of other persons may so act and sign for their ward or wards or *cestui que trust*. The proceeds of the assets or property of any such association which may be undistributed at the time of such meeting or may be subsequently received shall be distributed as follows:

“First. To pay the expenses of the execution of the trust to the date of such payment.

“Second. To repay any amount or amounts which have been paid in by any shareholder or shareholders of such association upon and by

reason of any and all assessments made upon the stock of such association by the order of the Comptroller of the Currency in accordance with the provisions of the statutes of the United States; and

"Third. The balance ratably among such stockholders, in proportion to the number of shares held and owned by each. Such distribution shall be made from time to time as the proceeds shall be received and as shall be deemed advisable by the said Comptroller or said agent."

**186. Receiver may Purchase Property to Protect His Trust. Act March 29, 1886.**—(§ 1.) That whenever the receiver of any national bank duly appointed by the Comptroller of the Currency, and who shall have duly qualified and entered upon the discharge of his trust, shall find it in his opinion necessary, in order to fully protect and benefit his said trust, to the extent of any and all equities that such trust may have in any property, real or personal, by reason of any bond, mortgage, assignment, or other proper legal claim attaching thereto, and which said property is to be sold under any execution, decree of foreclosure, or proper order of any court of jurisdiction, he may certify the facts in the case, together with his opinion as to the value of the property to be sold, and the value of the equity his said trust may have in the same, to the Comptroller of the Currency, together with a request for the right and authority to use and employ so much of the money of said trust as may be necessary to purchase such property at such sale.

**187. Approval of Request. Act March 29, 1886.**—(§ 2.) That such request, if approved by the Comptroller of the Currency, shall be, together with the certificate of facts in the case, and his recommendation as to the amount of money which, in his judgment, should be so used and employed, submitted to the Secretary of the Treasury, and if the same shall likewise be approved by him, the request shall be by the Comptroller of the Currency allowed, and notice thereof, with copies of the request, certificate of facts and indorsement of approvals, shall be filed with the Treasurer of the United States.

**188. Payment. Act March 29, 1886.**—(§ 3.) That whenever any such request shall be allowed as hereinbefore provided, the said Comptroller of the Currency shall be, and is, empowered to draw upon and from such funds of any such trust as may be deposited with the Treasurer of the United States for the benefit of the bank in interest, to the amount as may be recommended and allowed and for the purpose for which such allowance was made: Provided, however, That all payments to be made for or on account of the purchase of any such property and under any such allowance shall be made by the Comptroller of the Currency direct, with the approval of the Secretary of the Treasury, for such purpose only and in such manner as he may determine and order.

**189. Penalty for Violation of This Title—Forfeiture of Charter—Individual Liability of Directors.**—(§ 5239.) If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this title, all the rights, privileges, and fran-



chises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person shall have sustained in consequence of such violation.

**190. Appointment of Examiners — Compensation.**—(§ 5240.) [As amended 1875.] The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall, appoint examiners who shall examine every member bank at least twice in each calendar year and oftener if considered necessary: Provided, however, That the Federal Reserve Board may authorize examination by the State authorities to be accepted in the case of State banks and trust companies and may at any time direct the holding of a special examination of State banks or trust companies that are stockholders in any Federal reserve bank. The examiner making the examination of any national bank, or of any other member bank shall have power to make a thorough examination of all the affairs of the bank and in doing so he shall have power to administer oaths and to examine any of the officers and agents thereof under oath and shall make a full and detailed report of the condition of said bank to the Comptroller of the Currency.

**191. Limitation of Visitorial Powers.**—(§ 5241.) No association shall be subject to any visitorial powers other than such as are authorized by this title, or are vested in the courts of justice.

**192. Transfers, When Void — Illegal Preference of Creditors.**—(§ 5242.) All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void; and no attachment, injunction or execution, shall be issued against such association or its property before final judgment in any suit, action, or proceeding, in any State, county, or municipal court.

**193. Use of the Title "National."**—(§ 5243.) All banks not organized and transacting business under the national currency laws, or under this title, and all persons or corporations doing the business of bankers, brokers, or savings institutions, except savings banks authorized by Congress to use the word "national" as a part of their corporate name, are prohibited from using the word "national" as a portion of

the name or title of such bank, corporation, firm, or partnership; and any violation of this prohibition committed after the third day of September, eighteen hundred and seventy-three, shall subject the party chargeable therewith to a penalty of fifty dollars for each day during which it is permitted or repeated.

## CHAPTER VI.

Acts of a General Nature and Sections of the Revised Statutes, not Included in the National Bank Act, Affecting National Banks.

**194. All Suits Under Banking Law in Which the United States or Any of Its Officers or Agents are Parties to be Conducted by District Attorneys Under the Supervision of the Solicitor of the Treasury.**— (§ 380.) All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts under the direction and supervision of the Solicitor of the Treasury.

**195. Jurisdiction of Circuit Courts to Enjoin Comptroller.**— (§ 629.) [As amended 1875.] The circuit courts shall have original jurisdiction of all suits brought by any banking association established in the district for which the court is held, under the provisions of title "The National Banks," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title.

**196. Where Such Proceedings must be Brought.**— (§ 736.) All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located.

**197. Sealed Certificates of Comptroller Competent Evidence.**— (§ 884.) Every certificate, assignment, and conveyance executed by the Comptroller of the Currency, in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

**198. Certified Copy of Organization Certificate as Evidence.**— (§ 885.) Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate.

**TAX ON STATE BANK CIRCULATION.**

199. **Tax on Circulation.**—(§ 3408.) There shall be levied, collected and paid, as hereafter provided.

First. . . . .

Second. . . . .

Third. A tax of one-twelfth of one per centum each month upon the average amount of circulation issued by any bank, association, corporation, company, or persons, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional tax of one-sixth of one per centum each month upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per centum of the capital of any such bank, association, corporation, company, or person.

In the case of banks with branches, the tax herein provided shall be assessed upon the circulation of each branch severally, and the amount of capital of each branch shall be considered to be the amount allotted to it.

200. **Circulation When Exempted from Tax.**—(§ 3411.) Whenever the outstanding circulation of any bank, association, corporation, company, or person is reduced to an amount not exceeding five per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation.

201. (§§ 3412, 3413.)

202. **Tax on Circulation of Banks Other Than National Banks.** **Act February 8, 1875.**—(§ 19.) That every person, firm, association, other than national bank associations, and every corporation, State bank, or State banking association shall pay a tax of ten per centum on the amount of their own notes used for circulation and paid out by them.

203. **Tax on Notes of State Banks, Municipal Corporations, etc., Used as Circulation and Paid Out by Banks.** **Act February 8, 1875.** (§ 20.) That every such person, firm, association, corporation, State bank, or State banking association, and also every national banking association, shall pay a like tax of ten per centum on the amount of notes of any person, firm, association other than a national banking association, or of any corporation, State bank, or State banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them.

204. **Banks' Returns—Payment of Tax Penalties.** **Act February 8, 1875.**—(§ 21.) That the amount of such circulating notes, and of the tax due thereon, shall be returned, and the tax paid at the same time,

and in the same manner, and with like penalties for failure to return and pay the same, as provided by law for the return and payment of taxes on deposits, capital, and circulation imposed by the existing provisions of internal revenue law.

**205. Semi-annual Return by Banks.**—(§ 3414.) A true and complete return of the monthly amount of circulation [of deposits, and of capital], as aforesaid, and of the monthly amount of notes of persons, town, city, or municipal corporations. State banks, or State banking associations paid out as aforesaid for the previous six months, shall be made and rendered in duplicate on the first day of December and the first day of June, by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto, under the oath of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax, as aforesaid; and one copy shall be transmitted to the collector of the district in which any such bank, association, corporation, or company is situated, or in which such person has his place of business, and one copy to the Commissioner of Internal Revenue.

**206. Failure to Make Return—Commissioner to Estimate.**—(§ 3415.) In default of the returns provided in the preceding section, the amount of circulation [deposit, capital], and notes of persons, town, city, and municipal corporations, State banks, and State banking associations paid out, as aforesaid, shall be estimated by the Commissioner of Internal Revenue, upon the best information he can obtain. And for any refusal or neglect to make return and payment any such bank, association, corporation, company, or person so in default shall pay a penalty of two hundred dollars, besides the additional penalty and forfeitures provided in other cases.

**207. State Banks Converted into National Banks—Returns, How Made.**—(§ 3416.) Whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, by any agreement or understanding whatever with the representatives of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such State bank or banking association.

**208. Tax Provisions Restricted.**—(§ 3417.) [As amended 1875.] The provisions of this chapter relating to the tax on the [deposits, capital and] circulation of banks and to their returns, except as contained in sections 3410, 3411, 3412, 3413, and 3416, and such parts of sections 3414 and 3415 as relate to the tax of ten per centum on certain notes, shall not apply to associations which are taxed under and by virtue of title "National Banks."

**209. Taxes on Insolvent Banks. Act March 1, 1879.—**(§ 22.) That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors.

#### TAX ON UNITED STATES AND NATIONAL BANK NOTES.

**210. Obligations of United States Exempt from Taxation.—**(§ 3701.) All stocks, bonds, Treasury notes, and other obligations of the United States shall be exempt from taxation by or under State or municipal or local authority.

**211. National Bank Notes and Notes and Certificates of the United States Circulating as Currency Subject to State Taxation. Act August 13, 1894.—**(§ 1.) That circulating notes of national banking associations and United States legal tender notes and other notes and certificates of the United States, payable on demand and circulating or intended to circulate as currency, and gold, silver, or other coin shall be subject to taxation as money on hand or on deposit under the laws of any State or Territory: Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax money or currency circulating as money within its jurisdiction.

(§ 2.) That the provisions of this act shall not be deemed or held to change existing laws in respect of the taxation of national banking associations.

**212. Restrictions on Notes Less Than One Dollar.—**(§ 3583.) No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, at the discretion of the court.

#### LEGAL TENDER.

**213. Foreign Coins.—**(§ 3584.) No foreign gold or silver coins shall be a legal tender in payment of debts.

**214. Gold Coin of the United States.—**(§ 3585.) The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and when reduced in weight

below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight.

215. (§ 3586.) Superseded.

216. **Authorizing Coinage of Standard Silver Dollars and Making Them Legal Tender. Act of February 28, 1878.**—(§ 1.) That there shall be coined at the several mints of the United States, silver dollars of the weight of  $412\frac{1}{2}$  grains Troy of standard silver . . . ; which coins together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

217. **Subsidiary Silver Coins. Act of June 9, 1879.**—(§ 3.) That the present silver coins of the United States of smaller denominations than one dollar shall hereafter be a legal tender in all sums not exceeding ten dollars in full payment of all dues public and private.

218. **Minor Coins.**—(§ 3587.) The minor coins of the United States shall be a legal tender, at their nominal value, for any amount not exceeding twenty-five cents in any one payment.

219. **United States Notes.**—(§ 3588.) United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

220. **Demand Treasury Notes.**—(§ 3589.) Demand Treasury notes authorized by the act of July 17, 1861, chapter 5, and the act of February 12, 1862, chapter 20, shall be lawful money and a legal tender in like manner as United States notes.

221. **Interest-bearing Notes.**—(§ 3590.) Treasury notes issued under the authority of the acts of March 3, 1863, chapter 73, and June 30, 1864, chapter 172, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: Provided, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money.

222. **For What Demands National Bank Notes may be Received.**—(§ 5182.) See par. 88.

223. **Gold Certificates. Act July 12, 1882.**—(§ 12.) That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums of not less than twenty dollars, and to issue certificates therefor in denominations of not less than twenty dollars each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association,

shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances: Provided, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below one hundred millions of dollars; and the provisions of section 5207 of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

#### GOVERNMENT DEPOSITARIES.

**224. Duty of Disbursing Officers.**—(§ 3620.) [As amended 1877.] It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law, and draw for the same only in favor of the persons to whom payment is made, and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no Treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.

**225. Provisions for Deposits by Certain Postmasters.**—(§ 3847.) Any postmaster, having public money belonging to the Government, at an office within a county where there are no designated depositories, treasurers of mints, or Treasurer or assistant treasurers of the United States may deposit the same, at his own risk and in his official capacity, in any national bank in the town, city, or county where the said postmaster resides; but no authority or permission is or shall be given for the demand or receipt by the postmaster, or any other person, of interest, directly or indirectly, on any deposit made as herein described; and every postmaster who makes any such deposit shall report quarterly to the Postmaster-General the name of the bank where such deposits have been made, and also state the amount which may stand at the time to his credit.

**226. Penalty for Misapplication of Money-order Funds.**—(§ 4046.) Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this title, or exchanges for other funds, any portion of the money-order funds, shall be deemed guilty of embezzlement, and any such person, as well as every other person advising or participating therein, shall, for every such offense,

be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be *prima facie* evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement it shall be *prima facie* evidence of a balance against him to produce a transcript from the money-order account books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money-order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officer, or otherwise, when instructed or required to do so by the Postmaster-General for the purpose of remitting surplus money-order funds from one postoffice to another; to be used in payment of money-orders. Disbursing officers of the United States shall issue, under regulations to be prescribed by the Secretary of the Treasury, duplicates of lost checks drawn by them in favor of any postmaster on account of money-order or other public funds received by them from some other postmaster.

**227. National Banking Associations to be Depositories of Public Moneys.**—(§ 5153.) [As amended 1907.] See par. 50.

**228. Penalty for Unauthorized Deposit of Public Money.**—(§ 5488.) Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment.

**229. Penalty for Unauthorized Receipt or Use of Public Money.**—(§ 5497.) [As amended 1879.] Every banker, broker, or other person not an authorized depository of public moneys, who knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or who uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law, and every president, cashier, teller, director, or other officer of any bank or banking association, who violates any of the provisions of this section, is guilty of an act of em-



bezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be punished as prescribed in section 5488. . . .

### FORGERIES, FRAUDS, ETC.

**230. Obligations of the United States Defined.**—(§ 5413.) [As amended 1875, 1877.] The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national bank currency, coupons, United States notes, Treasury notes, fractional notes, certificates of deposit, bills, checks, or drafts for money drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, which have been or may be issued under any act of Congress.

**231. Forging or Counterfeiting United States Securities.**—(§ 5414.) Every person who, with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or security of the United States shall be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than fifteen years.

**232. Counterfeiting National Bank Notes.**—(§ 5415.) Every person who falsely makes, forges, or counterfeits, or causes or procures to be made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or who passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited, or who falsely alters, or causes or procures to be falsely altered, or willingly aids or assists in falsely altering any such circulating notes, or passes, utters, or publishes, or attempts to pass, utter, or publish as true, any falsely altered or spurious circulating note issue, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be imprisoned at hard labor not less than five years nor more than fifteen years, and fined not more than one thousand dollars.

**233. Using Plates to Print Notes Without Authority.**—(§ 5430.) Every person having control, custody, or possession of any plate, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, who uses such plate, or knowingly suffers the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of such

obligation or other security, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate be used for the printing of the obligations or other securities of the United States; or who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such obligation or other security has been printed, with intent to use such plate, or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or who has in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; and every person who prints, photographs, or in any other manner makes or executes, or causes to be printed, photographed, made, or executed, or aids in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or who sells any such engraving, photograph, print, or impression, except to the United States, or who brings into the United States from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States, or who has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not more than fifteen years, or by both.

**234. Penalty for Passing Counterfeit Circulation.**—(§ 5431.) Every person who, with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States with intent to pass, publish, utter, or sell, or keeps in possession or conceals, with like intent, any falsely made, forged, counterfeited, or altered obligation, or other security of the United States, shall be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than fifteen years.

**235. Penalty for Taking Unauthorized Impression of Tools.**—(§ 5432.) Every person who, without authority from the United States, takes, procures, or makes, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of, any bedplate, bedpiece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted, or intended to be used, in printing, stamping, or impressing, or in making other tools, implements, instruments, or things, to be used, or fitted or intended to be used, in printing, stamping, or impressing any kind

or description of obligation or other security of the United States, now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be punished by imprisonment at hard labor not more than ten years, or by a fine of not more than five thousand dollars, or both.

**236. Penalty for Having Such Impressions.**—(§ 5433.) Every person who, with intent to defraud, has in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing used, or fitted, or intended to be used for any of the purposes mentioned in the preceding section; or who, with intent to defraud, sells, gives, or delivers any such imprint, stamp, or impression to any other person, shall be punished by imprisonment at hard labor not more than ten years, or by a fine of not more than five thousand dollars.

**237. Penalty for Dealing in Counterfeit Circulation.**—(§ 5434.) Every person who buys, sells, exchanges, transfers, receives, or delivers any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be imprisoned at hard labor not more than ten years, or fined not more than five thousand dollars, or both.

**238. Issuing Circulation of Expired Associations, Penalty Therefor.** (§ 5437.) In all cases where the charter of any corporation which has been or may be created by act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, knowingly issues, reissues, or utters as money, or in any other way knowingly puts in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person knowingly aids in any such act, he shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not less than one year nor more than five years, or by both such fine and imprisonment. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, *bona fide* and in the ordinary transactions of business to utter as money and otherwise circulate the same.

**239. Fraudulent Notes to be so Marked by United States Officers and Officers of National Banks. Act June 30, 1876.—**(§ 5.) That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless," upon all fraudulent notes issued in the form of and intended to circulate as money which shall be presented at their places of business; and if such officer shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

**CURRENCY ACT, APPROVED MARCH 14, 1900.**

**240. Gold Dollar Declared to be Standard Unit of Value.—**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dollar consisting of twenty-five and eight-tenths grains of gold nine-tenths fine, as established by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

**241. Secretary of Treasury to Set Apart and Maintain a Gold Reserve of One Hundred and Fifty Million Dollars in Gold Coin and Bullion for the Redemption of United States Notes and Notes Issued Under Act of July 14, 1890—May Sell Bonds to Replenish Reserve.—**(§ 2.) That United States notes, and Treasury notes issued under the act of July fourteenth, eighteen hundred and ninety, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set apart in the Treasury a reserve fund of one hundred and fifty million dollars in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 3700 of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below one hundred million dollars, then it shall be his duty to restore the same to the maximum sum of one hundred and fifty million dollars by borrowing money on the credit of

the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of not exceeding three per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of one hundred and fifty million dollars.

**242. Silver Dollar to Remain Legal Tender.**—(§ 3.) That nothing contained in this act shall be construed to affect the legal tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

**243. Divisions of Issue and Redemption Established.**—(§ 4.) That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

**244. When Silver Dollars are Coined from Bullion Purchased Under Act of July 14, 1890, an Equal Amount of Treasury Notes to be Can-**

**ced and Silver Certificates Issued.**—(§ 5.) That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the acts of July fourteenth, eighteen hundred and ninety, and June thirteenth, eighteen hundred and ninety-eight, from bullion purchased under the act of July fourteenth, eighteen hundred and ninety, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

**245. Issue of Gold Certificates—Issue of Gold Certificates Payable to Order.**—(§ 6.) [As amended by acts of March 4, 1907, and March 2, 1911.] That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than ten dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be re-issued, and when held by any national banking association may be counted as a part of its lawful reserve: Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be suspended: And provided further, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: And provided further, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: And provided, further, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order: And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than one thousand dollars in value and issue gold certificates therefor of the description herein authorized: And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than one thousand dollars in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold

certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed.

**246. Issue of Silver Certificates.**—(§ 7.) That hereafter silver certificates shall be issued only of denominations of ten dollars and under except that not exceeding in the aggregate ten per centum of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of twenty dollars, fifty dollars, and one hundred dollars; and silver certificates of higher denomination than ten dollars, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of ten dollars or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United States notes of less denomination than ten dollars shall from time to time be retired and canceled, and notes of denominations of ten dollars and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

**247. Subsidiary Silver Coinage.**—(§ 8.) That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States purchased under the act of July fourteenth, eighteen hundred and ninety, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: Provided, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate one hundred millions of dollars. Whenever any silver bullion purchased under the act of July fourteenth, eighteen hundred and ninety, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

**248. Recoinage of Uncurrent Subsidiary Silver Coin.**—(§ 9.) That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoinced, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

**249.** (§ 10.) See par. 34.

**250. Refunding of United States Bonds.**—(§ 11.) That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at five per centum per annum, payable February first, nineteen hundred and four, and any bonds of the United States bearing interest at four per centum per annum, payable July first, nineteen hundred and seven, and any bonds of the United States bearing interest at three per centum per annum, payable August first, nineteen hundred and eight, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of

fifty dollars or any multiple thereof, bearing interest at the rate of two per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: Provided, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of two and one-quarter per centum per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section 3694 of the Revised Statutes: And provided further, That the two per centum bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of one per centum of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

251. (§ 12.) See par. 74.

252. (§ 13.) See par. 156.

253. **International Bimetallism.**—(§ 14.) That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

254. (§ 1.) Act March 4, 1907. See par. 245.

255. **Issue of Treasury Notes.**—(§ 2.) That whenever and so long as the outstanding silver certificates of the denominations of one dollar, two dollars, and five dollars, issued under the provisions of section 7 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred, shall be, in the opinion of the Secretary of the Treasury insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of one dollar, two dollars, and five dollars, and upon



the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: Provided, however, That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: And provided further, That nothing in this act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of five dollars, as now provided by law.

256. (§ 3.) See par. 50.

257. (§ 4.) See par. 67.

#### TARIFF ACT APPROVED AUGUST 5, 1909.

258. **Excise Tax on Corporations.**—(§ 38.) (Superseded by income tax law of 1913. See p. 113, ante)

259. **Panama Canal Bonds—Additional Issue Authorized at Rate of Interest not to Exceed Three Per Cent Per Annum.**—(§ 39.) That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of two hundred and ninety million five hundred and sixty-nine thousand dollars (which sum together with the eighty-four million six hundred and thirty-one thousand nine hundred dollars already borrowed upon issues of two per cent bonds under section eight of the act of June twenty-eight, nineteen hundred and two, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the canal from its inception to its completion), and to prepare and issue therefor a coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, payable fifty years from the date of issue, and bearing interest payable quarterly in gold coin at a rate not exceeding three per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; Provided, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same; and the authority contained in section eight of the act of June twenty-eight, nineteen hundred and two, for the issue of bonds bearing interest at two per centum per annum, is hereby repealed.

**260. Panama Canal Bonds Issued Under Act of August 5, 1909, not Receivable as Security for the Issue of Circulating Notes to National Banks.**—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section thirty-nine of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August fifth, nineteen hundred and nine, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

**ACT MARCH 2, 1911.**

**261. Certified Checks Drawn on National and State Banks Receivable for Duties on Imports and Internal Taxes.**—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for collectors of customs and of internal revenue to receive for duties on imports and internal taxes certified checks drawn on national and State banks, and trust companies during such time and under such regulations as the Secretary of the Treasury may prescribe. No person, however, who may be indebted to the United States on account of duties on imports or internal taxes who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this act, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

§ 2. That this act shall be effective on and after June first, nineteen hundred and eleven.

**FEDERAL RESERVE ACT.**

**Short Title.**—The short title of this act shall be the "Federal Reserve Act."

**"Bank" Defined.**—Wherever the word "bank" is used in this act, the word shall be held to include State bank, banking association, and trust company, except where national banks or federal reserve banks are specifically referred to.

**Definitions.**—The terms “national bank” and “national banking association” used in this act shall be held to be synonymous and interchangeable. The term “member bank” shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by this act. The term “board” shall be held to mean Federal Reserve Board; the term “district” shall be held to mean federal reserve district; the term “reserve bank” shall be held to mean federal reserve bank.

### FEDERAL RESERVE DISTRICTS.

**§ 2. Federal Reserve Cities and Districts.**—As soon as practicable, the Secretary of the Treasury, the Secretary of Agriculture and the Comptroller of the Currency, acting as “The Reserve Bank Organization Committee,” shall designate not less than eight nor more than twelve cities to be known as federal reserve cities, and shall divide the continental United States, excluding Alaska, into districts, each district to contain only one of such federal reserve cities. The determination of said organization committee shall not be subject to review except by the Federal Reserve Board when organized: Provided, That the districts shall be apportioned with due regard to the convenience and customary course of business and shall not necessarily be coterminous with any State or States. The districts thus created may be readjusted and new districts may from time to time be created by the Federal Reserve Board, not to exceed twelve in all. Such districts shall be known as federal reserve districts and may be designated by number. A majority of the organization committee shall constitute a quorum with authority to act.

**Organization Committee.**—Said organization committee shall be authorized to employ counsel and expert aid, to take testimony, to send for persons and papers, to administer oaths, and to make investigation as may be deemed necessary by the said committee in determining the reserve districts and in designating the cities within such districts where such federal reserve banks shall be severally located.

**Federal Reserve Bank.**—The said committee shall supervise the organization in each of the cities designated of a federal reserve bank, which shall include in its title the name of the city in which it is situated, as “Federal Reserve Bank of Chicago.”

**Acceptance of the Terms and Provisions.**—Under regulations to be prescribed by the organization committee, every national banking association in the United States is hereby required, and every eligible bank in the United States and every trust company within the District of Columbia, is hereby authorized to signify in writing, within sixty days after the passage of this act, its acceptance of the terms and provisions hereof. When the organization committee shall have designated the cities in which federal reserve banks are to be organized, and fixed the geographical limits of the federal reserve districts, every national banking association within that district shall be required within thirty days after notice from the organization committee, to

subscribe to the capital stock of such federal reserve bank in a sum equal to six per centum of the paid-up capital stock and surplus of such bank, one-sixth of the subscription to be payable on call of the organization committee or of the Federal Reserve Board, one-sixth within three months and one-sixth within six months thereafter, and the remainder of the subscription, or any part thereof, shall be subject to call when deemed necessary by the Federal Reserve Board, said payments to be in gold or gold certificates.

**Shareholders Responsible.**—The shareholders of every federal reserve bank shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of their subscriptions to such stock at the par value thereof in addition to the amount subscribed, whether such subscriptions have been paid up in whole or in part, under the provisions of this act.

**Bank Failing to Signify Acceptance.**—Any national bank failing to signify its acceptance of the terms of this act within the sixty days aforesaid, shall cease to act as a reserve agent, upon thirty days' notice, to be given within the discretion of the said organization committee or of the Federal Reserve Board.

**Noncompliance With or Violation of Act.**—Should any national banking association in the United States now organized fail within one year after the passage of this act to become a member bank or fail to comply with any of the provisions of this act applicable thereto, all of the rights, privileges, and franchises of such association granted to it under the national bank act, or under the provisions of this act, shall be thereby forfeited. Any noncompliance with or violation of this act shall, however, be determined and adjudged by any court of the United States of competent jurisdiction in a suit brought for that purpose in the district or territory in which such bank is located, under direction of the Federal Reserve Board, by the Comptroller of the Currency in his own name before the association shall be declared dissolved. In cases of such noncompliance or violation, other than the failure to become a member bank under the provisions of this act, every director who participated in or assented to the same shall be held liable in his personal or individual capacity for all damages which said bank, its shareholders, or any other person shall have sustained in consequence of such violation.

**Dissolution shall not Impair Remedy.**—Such dissolution shall not take away or impair any remedy against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred.

**Public Subscription.**—Should the subscriptions by banks to the stock of said federal reserve banks or any one or more of them be, in the judgment of the organization committee, insufficient to provide the amount of capital required therefor, then and in that event the said organization committee may, under conditions and regulations to be prescribed by it, offer to public subscription at par such an amount

of stock in said federal reserve banks, or any one or more of them, as said committee shall determine, subject to the same conditions as to payment and stock liability as provided for member banks.

**Public Stock.**—No individual, copartnership, or corporation other than a member bank of its district shall be permitted to subscribe for or to hold at any time more than \$25,000 par value of stock in any federal reserve bank. Such stock shall be known as public stock and may be transferred on the books of the federal reserve bank by the chairman of the board of directors of such bank.

**United States Stock.**—Should the total subscriptions by banks and the public to the stock of said federal reserve banks, or any one or more of them, be, in the judgment of the organization committee, insufficient to provide the amount of capital required therefor, then and in that event the said organization committee shall allot to the United States such an amount of said stock as said committee shall determine. Said United States stock shall be paid for at par out of any money in the Treasury not otherwise appropriated, and shall be held by the Secretary of the Treasury and disposed of for the benefit of the United States in such manner, at such times, and at such price, not less than par, as the Secretary of the Treasury shall determine.

**Voting Power.**—Stock not held by member banks shall not be entitled to voting power.

**Rules and Regulations.**—The Federal Reserve Board is hereby empowered to adopt and promulgate rules and regulations governing the transfers of said stock.

**Subscribed Capital.**—No federal reserve bank shall commence business with a subscribed capital less than \$4,000,000. The organization of reserve districts and federal reserve cities shall not be construed as changing the present status of reserve cities and central reserve cities, except in so far as this act changes the amount of reserves that may be carried with approved reserve agents located therein. The organization committee shall have power to appoint such assistants and incur such expenses in carrying out the provisions of this act as it shall deem necessary, and such expenses shall be payable by the Treasurer of the United States upon voucher approved by the Secretary of the Treasury, and the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of such expenses.

#### BRANCH OFFICES.

**§ 3. Branch Banks.**—Each federal reserve bank shall establish branch banks within the federal reserve district in which it is located and may do so in the district of any federal reserve bank which may have been suspended. Such branches shall be operated by a board of directors under rules and regulations approved by the Federal Reserve Board.

**Directors of Branch Banks.**—Directors of branch banks shall possess the same qualifications as directors of the federal reserve banks. Four

of said directors shall be selected by the reserve bank and three by the Federal Reserve Board, and they shall hold office during the pleasure, respectively, of the parent bank and the Federal Reserve Board.

**Manager.**—The reserve bank shall designate one of the directors as manager.

**§ 4. Certificate Showing Geographical Limits of Districts.**—When the organization committee shall have established federal reserve districts as provided in section 2 of this act, a certificate shall be filed with the Comptroller of the Currency showing the geographical limits of such districts and the federal reserve city designated in each of such districts.

**Application Blank.**—The Comptroller of the Currency shall thereupon cause to be forwarded to each national bank located in each district, and to such other banks declared to be eligible by the organization committee which may apply therefor, an application blank in form to be approved by the organization committee, which blank shall contain a resolution to be adopted by the board of directors of each bank executing such application, authorizing a subscription to the capital stock of the federal reserve bank organizing in that district in accordance with the provisions of this act.

**Organization Certificate.**—When the minimum amount of capital stock prescribed by this act for the organization of any federal reserve bank shall have been subscribed and allotted, the organization committee shall designate any five banks of those whose applications have been received, to execute a certificate of organization, and thereupon the banks so designated shall, under their seals, make an organization certificate which shall specifically state the name of such federal reserve bank, the territorial extent of the district over which the operations of such federal reserve bank are to be carried on, the city and State in which said bank is to be located, the amount of capital stock and the number of shares into which the same is divided, the name and place of doing business of each bank executing such certificate, and of all banks which have subscribed to the capital stock of such federal reserve bank and the number of shares subscribed by each, and the fact that the certificate is made to enable those banks executing same, and all banks which have subscribed or may thereafter subscribe to the capital stock of such federal reserve bank, to avail themselves of the advantages of this act.

**Organization Certificate shall be Acknowledged, Authenticated and Filed.**—The said organization certificate shall be acknowledged before a judge of some court of record or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall file, record and carefully preserve the same in his office.

**Powers.**—Upon the filing of such certificate with the Comptroller of the Currency as aforesaid, the said federal reserve bank shall become

a body corporate and as such, and in the name designated in such organization certificate, shall have power—

**Seal.**—First. To adopt and use a corporate seal.

**Succession.**—Second. To have succession for a period of twenty years from its organization unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law.

**Contracts.**—Third. To make contracts.

**Suits.**—Fourth. To sue and be sued, complain and defend, in any court of law or equity.

**Officers and Employees.**—Fifth. To appoint by its board of directors, such officers and employees as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees.

**By-Laws.**—Sixth. To prescribe by its board of directors, by-laws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

**Incidental Powers.**—Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this act.

**Circulating Notes.**—Eighth. Upon deposit with the Treasurer of the United States of any bonds of the United States in the manner provided by existing law relating to national banks, to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited, such notes to be issued under the same conditions and provisions of law as relate to the issue of circulating notes of national banks secured by bonds of the United States bearing the circulating privilege, except that the issue of such notes shall not be limited to the capital stock of such federal reserve bank.

**No Bank shall Transact Business Until Authorized.**—But no federal reserve bank shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Comptroller of the Currency to commence business under the provisions of this act.

**Board of Directors.**—Every federal reserve bank shall be conducted under the supervision and control of a board of directors.

**Duties.**—The board of directors shall perform the duties usually appertaining to the office of directors of banking associations and all such duties as are prescribed by law.

**Discrimination.**—Said board shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and shall, subject to the provisions of law and the orders of the Federal Reserve Board, extend to each

member bank such discounts, advancements and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks.

**Members.**—Such board of directors shall be selected as hereinafter specified and shall consist of nine members, holding office for three years, and divided into three classes, designated as classes A, B, and C.

**Class A.**—Class A shall consist of three members, who shall be chosen by and be representative of the stockholding banks.

**Class B.**—Class B shall consist of three members, who at the time of their election shall be actively engaged in their district in commerce, agriculture or some other industrial pursuit.

**Class C.**—Class C shall consist of three members who shall be designated by the Federal Reserve Board. When the necessary subscriptions to the capital stock have been obtained for the organization of any federal reserve bank, the Federal Reserve Board shall appoint the class C directors and shall designate one of such directors as chairman of the board to be selected. Pending the designation of such chairman, the organization committee shall exercise the powers and duties appertaining to the office of chairman in the organization of such federal reserve bank.

**No Senator or Representative shall be Member, Officer or Director.**—No Senator or Representative in Congress shall be a member of the Federal Reserve Board or an officer or a director of a federal reserve bank.

**Directors of Class B.**—No director of class B shall be an officer, director, or employee of any bank.

**Directors of Class C.**—No director of class C shall be an officer, director, employee, or stockholder of any bank.

**Directors of Class A and Class B, How Chosen.**—Directors of class A and class B shall be chosen in the following manner:

**Member Banks, Groups or Divisions.**—The chairman of the board of directors of the federal reserve bank of the district in which the bank is situated or, pending the appointment of such chairman, the organization committee shall classify the member banks of the district into three general groups or divisions. Each group shall contain as nearly as may be one-third of the aggregate number of the member banks of the district and shall consist, as nearly as may be, of banks of similar capitalization. The groups shall be designated by number by the chairman.

**District Reserve Elector.**—At a regularly called meeting of the board of directors of each member bank in the district it shall elect by ballot a district reserve elector and shall certify his name to the chairman of the board of directors of the federal reserve bank of the district. The chairman shall make lists of the district reserve electors thus named by banks in each of the aforesaid three groups and shall transmit one list to each elector in each group.

**Candidates for Director.**—Each member bank shall be permitted to nominate to the chairman one candidate for director of class A and one



candidate for director of class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within fifteen days after its completion, be furnished by the chairman to each elector.

**Preferential Ballot.**—Every elector shall, within fifteen days after the receipt of the said list, certify to the chairman his first, second, and other choices of a director of class A and class B, respectively, upon a preferential ballot, on a form furnished by the chairman of the board of directors of the federal reserve bank of the district. Each elector shall make a cross opposite the name of the first, second, and other choices for a director of class A and for a director of class B, but shall not vote more than one choice for any one candidate.

**Election.**—Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared.

**Class C Directors—"Federal Reserve Agent."**—Class C directors shall be appointed by the Federal Reserve Board. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the federal reserve bank and as "federal reserve agent." He shall be a person of tested banking experience; and in addition to his duties as chairman of the board of directors of the federal reserve bank he shall be required to maintain under regulations to be established by the Federal Reserve Board a local office of said board on the premises of the federal reserve bank. He shall make regular reports to the Federal Reserve Board, and shall act as its official representative for the performance of the functions conferred upon it by this act. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by the federal reserve bank to which he is designated. One of the directors of class C, who shall be a person of tested banking experience, shall be appointed by the Federal Reserve Board as deputy chairman and deputy federal reserve agent to exercise the powers of the chairman of the board and federal reserve agent in case of absence or disability of his principal.

**Directors' Allowance.**—Directors of federal reserve banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, which amount shall be paid by the respective federal

reserve banks. Any compensation that may be provided by boards of directors of federal reserve banks for directors, officers or employees shall be subject to the approval of the Federal Reserve Board.

**Committee may Call Meetings of Bank Directors.**—The Reserve Bank Organization Committee may, in organizing federal reserve banks, call such meetings of bank directors in the several districts as may be necessary to carry out the purposes of this act, and may exercise the functions herein conferred upon the chairman of the board of directors of each federal reserve bank pending the complete organization of such bank.

**Term of Office.**—At the first meeting of the full board of directors of each federal reserve bank, it shall be the duty of the directors of classes A, B and C, respectively, to designate one of the members of each class whose term of office shall expire in one year from the first of January nearest to date of such meeting, one whose term of office shall expire at the end of two years from said date, and one whose term of office shall expire at the end of three years from said date. Thereafter every director of a federal reserve bank chosen as hereinbefore provided shall hold office for a term of three years.

**Vacancies.**—Vacancies that may occur in the several classes of directors of federal reserve banks may be filled in the manner provided for the original selection of such directors, such appointees to hold office for the unexpired terms of their predecessors.

#### STOCK ISSUES—INCREASE AND DECREASE OF CAPITAL.

**§ 5. Capital Stock.**—The capital stock of each federal reserve bank shall be divided into shares of \$100 each.

**Increase.**—The outstanding capital stock shall be increased from time to time as member banks increase their capital stock and surplus or as additional banks become members, and may be decreased as member banks reduce their capital stock or surplus or cease to be members.

**Shares of Member Banks.**—Shares of the capital stock of federal reserve banks owned by member banks shall not be transferred or hypothecated. When a member bank increases its capital stock or surplus, it shall thereupon subscribe for an additional amount of capital stock of the federal reserve bank of its district equal to six per centum of the said increase, one-half of said subscription to be paid in the manner hereinbefore provided for original subscription, and one-half subject to call of the Federal Reserve Board. A bank applying for stock in a federal reserve bank at any time after the organization thereof must subscribe for an amount of the capital stock of the federal reserve bank equal to six per centum of the paid-up capital stock and surplus of said applicant bank, paying therefor its par value plus one-half of one per centum a month from the period of the last dividend.

**When Capital Stock Increased.**—When the capital stock of any federal reserve bank shall have been increased either on account of the increase of capital stock of member banks or on account of the increase in the number of member banks, the board of directors shall

cause to be executed a certificate to the Comptroller of the Currency showing the increase in capital stock, the amount paid in, and by whom paid.

**When Capital Stock Reduced.**—When a member bank reduces its capital stock it shall surrender a proportionate amount of its holdings in the capital of said federal reserve bank, and when a member bank voluntarily liquidates it shall surrender all of its holdings of the capital stock of said federal reserve bank and be released from its stock subscription not previously called.

**Cancellation of Shares.**—In either case the shares surrendered shall be canceled and the member bank shall receive in payment therefor, under regulations to be prescribed by the Federal Reserve Board, a sum equal to its cash-paid subscriptions on the shares surrendered and one-half of one per centum a month from the period of the last dividend, not to exceed the book value thereof, less any liability of such member bank to the federal reserve bank.

**§ 6. If Member Bank Insolvent.**—If any member bank shall be declared insolvent and a receiver appointed therefor, the stock held by it in said federal reserve bank shall be canceled, without impairment of its liability, and all cash-paid subscriptions on said stock, with one-half of one per centum per month from the period of last dividend, not to exceed the book value thereof, shall be first applied to all debts of the insolvent member bank of the federal reserve bank, and the balance, if any, shall be paid to the receiver of the insolvent bank.

**Certificate Showing Reduction.**—Whenever the capital stock of a federal reserve bank is reduced, either on account of a reduction in capital stock of any member bank or of the liquidation or insolvency of such bank, the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing such reduction of capital stock and the amount repaid to such bank.

#### DIVISION OF EARNINGS.

**§ 7. Annual Dividend.**—After all necessary expenses of a federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of six per centum on the paid-in capital stock, which dividend shall be cumulative.

**Franchise Tax.**—After the aforesaid dividend claims have been fully met, all the net earnings shall be paid to the United States as a franchise tax, except that one-half of such net earnings shall be paid into a surplus fund until it shall amount to forty per centum of the paid-in capital stock of such bank.

**Net Earnings Derived by the United States.**—The net earnings derived by the United States from federal reserve banks shall, in the discretion of the Secretary, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury.

Should a federal reserve bank be dissolved or go into liquidation, any surplus remaining, after the payment of all debts, dividend requirements as hereinbefore provided, and the par value of the stock, shall be paid to and become the property of the United States and shall be similarly applied.

**Exemption from Taxation.**—Federal reserve banks, including the capital stock and surplus therein, and the income derived therefrom shall be exempt from federal, State, and local taxation, except taxes upon real estate.

**§ 8. Conversion of State Banks.**—Section 5154, United States Revised Statutes, is hereby amended to read as follows:

Any bank incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a national banking association under the provisions of the existing laws may, by the vote of the shareholders owning not less than fifty-one per centum of the capital stock of such bank or banking association, with the approval of the Comptroller of the Currency be converted into a national banking association, with any name approved by the Comptroller of the Currency: Provided, however, That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of fifty-one per centum of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the association until others are elected or appointed in accordance with the provisions of the statutes of the United States. When the Comptroller has given to such bank or banking association a certificate that the provisions of this act have been complied with, such bank or banking association, and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by the Federal Reserve Act and by the national banking act for associations originally organized as national banking associations.

#### STATE BANKS AS MEMBERS.

**§ 9. State Bank may Subscribe to Stock of Federal Reserve Bank.** Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, may make application to the reserve bank organization committee, pending organiza-

tion, and thereafter to the Federal Reserve Board for the right to subscribe to the stock of the federal reserve bank organized or to be organized within the federal reserve district where the applicant is located. The organization committee or the Federal Reserve Board, under such rules and regulations as it may prescribe, subject to the provisions of this section, may permit the applying bank to become a stockholder in the federal reserve bank of the district in which the applying bank is located. Whenever the organization committee or the Federal Reserve Board shall permit the applying bank to become a stockholder in the federal reserve bank of the district, stock shall be issued and paid for under the rules and regulations in this act provided for national banks which become stockholders in federal reserve banks.

**By-laws for Government of Applications by State Banks.**—The organization committee or the Federal Reserve Board shall establish by-laws for the general government of its conduct in acting upon applications made by the State banks and banking associations and trust companies for stock ownership in federal reserve banks. Such by-laws shall require applying banks not organized under federal law to comply with the reserve and capital requirements and to submit to the examination and regulations prescribed by the organization committee or by the Federal Reserve Board.

**Capital of Applying Bank.**—No applying bank shall be admitted to membership in a federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated, under the provisions of the national banking act.

**Prohibitions, Rules and Regulations.**—Any bank becoming a member of a federal reserve bank under the provisions of this section shall, in addition to the regulations and restrictions hereinbefore provided, be required to conform to the provisions of law imposed on the national banks respecting the limitation of liability which may be incurred by any person, firm, or corporation to such banks, the prohibition against making purchase of or loans on stock of such banks, and the withdrawal or impairment of capital, or the payment of unearned dividends, and to such rules and regulations as the Federal Reserve Board may, in pursuance thereof, prescribe.

**Officers, Agents, and Employees.**—Such banks, and the officers, agents, and employees thereof, shall also be subject to the provisions of and to the penalties prescribed by sections 5198, 5200, 5201, 5208, and 5209, of the Revised Statutes.

**Reports.**—The member banks shall also be required to make reports of the conditions and of the payments of dividends to the comptroller, as provided in sections 5211 and 5212, of the Revised Statutes, and shall be subject to the penalties prescribed by section 5213 for the failure to make such report.

**Suspension for Noncompliance.**—If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply

the provisions of this section or the regulations of the Federal Reserve Board, it shall be within the power of the said board, after notice, to require such bank to surrender its stock in the federal reserve bank; upon such surrender the federal reserve bank shall pay to said bank the value of such stock, less the amount of the unpaid subscriptions to the said stock with interest at the rate of one-half of one per centum per month, computed from the last dividend, if earned, not to exceed the book value thereof, less any liability to said federal reserve bank, except the subscription liability previously called, which shall be canceled, and said federal reserve bank shall, upon notice from the Federal Reserve Board, be required to suspend said bank from further privileges of membership, and shall within thirty days of such notice cancel and retire its stock and make payment therefor in the manner herein provided. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

### FEDERAL RESERVE BOARD.

**§ 10. Federal Reserve Board Members.**—A Federal Reserve Board is hereby created which shall consist of seven members, including the Secretary of the Treasury and the Comptroller of the Currency, who shall be members *ex officio*, and five members appointed by the President of the United States, by and with the advice and consent of the Senate.

**Five Appointive Members.**—In selecting the five appointive members of the Federal Reserve Board, not more than one of whom shall be selected from any one federal reserve district, the President shall have due regard to a fair representation of the different commercial, industrial and geographical divisions of the country. The five members of the Federal Reserve Board appointed by the President and confirmed as aforesaid shall devote their entire time to the business of the Federal Reserve Board and shall each receive an annual salary of \$12,000, payable monthly together with actual necessary traveling expenses, and the Comptroller of the Currency, as *ex-officio* member of the Federal Reserve Board, shall, in addition to the salary now paid him as Comptroller of the Currency, receive the sum of \$7,000 annually for his services as a member of said board.

**Members Ineligible to Office in Member Bank.**—The members of said board, the Secretary of the Treasury, the Assistant Secretaries of the Treasury, and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank.

**Qualifications.**—Of the five members thus appointed by the President at least two shall be persons experienced in banking or finance. One shall be designated by the President to serve for two, one for four, one for six, one for eight, and one for ten years, and thereafter each member so appointed shall serve for a term of ten years unless sooner removed for cause by the President.

**Governor and Vice-Governor.**—Of the five persons thus appointed, one shall be designated by the President as governor and one as vice-

governor of the Federal Reserve Board. The governor of the Federal Reserve Board, subject to its supervision, shall be the active executive officer.

**Offices.**—The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board.

**Oath of Office.**—Each member of the Federal Reserve Board shall within fifteen days after notice of appointment make and subscribe to the oath of office.

**Assessment.**—The Federal Reserve Board shall have power to levy semi-annually upon the federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and the salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding half year.

**First Meeting of Reserve Board.**—The first meeting of the Federal Reserve Board shall be held in Washington, District of Columbia, as soon as may be after the passage of this act, at a date to be fixed by the Reserve Bank Organization Committee.

**Chairman.**—The Secretary of the Treasury shall be *ex-officio* chairman of the Federal Reserve Board.

**No Member to be Officer or Director of Bank.**—No member of the Federal Reserve Board shall be an officer or director of any bank, banking institution, trust company, or federal reserve bank nor hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement.

**Vacancies.**—Whenever a vacancy shall occur, other than by expiration of term, among the five members of the Federal Reserve Board appointed by the President, as above provided, a successor shall be appointed by the President, with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of the member whose place he is selected to fill.

The President shall have power to fill all vacancies that may happen on the Federal Reserve Board during the recess of the Senate, by granting commissions which shall expire thirty days after the next session of the Senate convenes.

**Powers Vested in Secretary of the Treasury.**—Nothing in this act contained shall be construed as taking away any powers heretofore vested by law in the Secretary of the Treasury which relate to the supervision, management, and control of the Treasury Department and bureaus under such department, and wherever any power vested by this act in the Federal Reserve Board or the federal reserve agent appears to conflict with the powers of the Secretary of the Treasury, such powers shall be exercised subject to the supervision and control of the Secretary.

**Annual Report.**—The Federal Reserve Board shall annually make a full report of its operations to the Speaker of the House of Repre-

sentatives, who shall cause the same to be printed for the information of the Congress.

Section 324 of the Revised Statutes of the United States shall be amended so as to read as follows: "There shall be in the Department of the Treasury a bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of national currency secured by United States bonds and, under the general supervision of the Federal Reserve Board, of all federal reserve notes, the chief officer of which bureau shall be called the Comptroller of the Currency and shall perform his duties under the general directions of the Secretary of the Treasury.

§ 11. **Powers.**—The Federal Reserve Board shall be authorized and empowered:

(a) **Examinations.**—To examine at its discretion the accounts, books and affairs of each federal reserve bank and of each member bank and to require such statements and reports as it may deem necessary.

**Weekly Statements.**—The said board shall publish once each week a statement showing the condition of each federal reserve bank and a consolidated statement for all federal reserve banks. Such statements shall show in detail the assets and liabilities of the federal reserve banks, single and combined, and shall furnish full information regarding the character of the money held as reserve and the amount, nature and maturities of the paper and other investments owned or held by federal reserve banks.

(b) **Rediscount.**—To permit, or, on the affirmative vote of at least five members of the reserve board to require federal reserve banks to rediscount the discounted paper of other federal reserve banks at rates of interest to be fixed by the Federal Reserve Board.

(c) **Suspension of Reserve Requirements.**—To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirement specified in this act: Provided, That it shall establish a graduated tax upon the amounts by which the reserve requirements of this act may be permitted to fall below the level hereinafter specified:

**Graduated Tax.**—And provided further, That when the gold reserve held against federal reserve notes falls below forty per centum, the Federal Reserve Board shall establish a graduated tax of not more than one per centum per annum upon such deficiency until the reserves fall to thirty-two and one-half per centum, and when said reserve falls below thirty-two and one-half per centum, a tax at the rate increasingly of not less than one and one-half per centum per annum upon each two and one-half per centum or fraction thereof that such reserve falls below thirty-two and one-half per centum. The tax shall be paid by the reserve bank, but the reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Federal Reserve Board.

(d) **Issue and Retirement of Federal Reserve Notes.**—To supervise and regulate through the bureau under the charge of the Comptroller



of the Currency the issue and retirement of federal reserve notes, and to prescribe rules and regulations under which such notes may be delivered by the comptroller to the federal reserve agents applying therefor.

(e) **Reserve and Central Reserve Cities.**—To add to the number of cities classified as reserve and central reserve cities under existing law in which national banking associations are subject to the reserve requirements set forth in section 20 of this act; or to reclassify existing reserve and central reserve cities or to terminate their designation as such.

(f) **Suspension of Officer or Director of Federal Reserve Bank.**—To suspend or remove any officer or director of any federal reserve bank, the cause of such removal to be forthwith communicated in writing by the Federal Reserve Board to the removed officer or director and to said bank.

(g) **Doubtful or Worthless Assets.**—To require the writing off of doubtful or worthless assets upon the books and balance sheets of federal reserve banks.

(h) **Suspension of Federal Reserve Bank.**—To suspend, for the violation of any of the provisions of this act, the operations of any federal reserve bank, to take possession thereof, administer the same during the period of suspension, and, when deemed advisable, to liquidate or reorganize such bank.

(i) **Safeguarding of Collateral, Bonds, Federal Reserve Notes.**—To require bonds of federal reserve agents, to make regulations for the safeguarding of all collateral, bonds, federal reserve notes, money or property of any kind deposited in the hands of such agents, and said board shall perform the duties, functions, or services specified in this act, and make all rules and regulations necessary to enable said board effectively to perform the same.

(j) **General Supervision.**—To exercise general supervision over said federal reserve banks.

(k) **Permit to Act as Trustee, Executor, Administrator.**—To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe.

(l) **Attorneys, Experts, Assistants, Clerks.**—To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board.

**Salaries and Fees.**—All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January 16, 1883 (volume 22, United States Statutes at Large, page 403), and amendments thereto, or any rule or regulation made in pursuance thereof: Provided, That nothing

herein shall prevent the President from placing said employees in the classified service.

### FEDERAL ADVISORY COUNCIL.

**§ 12. Members.**—There is hereby created a Federal Advisory Council, which shall consist of as many members as there are federal reserve districts. Each federal reserve bank by its board of directors shall annually select from its own federal reserve district one member of said council, who shall receive such compensation and allowances as may be fixed by his board of directors subject to the approval of the Federal Reserve Board.

**Meetings.**—The meetings of said advisory council shall be held at Washington, District of Columbia, at least four times each year, and oftener if called by the Federal Reserve Board. The council may in addition to the meetings above provided for hold such other meetings in Washington, District of Columbia, or elsewhere, as it may deem necessary, may select its own officers and adopt its own methods of procedure, and a majority of its members shall constitute a quorum for the transaction of business.

**Vacancies.**—Vacancies in the council shall be filled by the respective reserve banks, and members selected to fill vacancies, shall serve for the unexpired term.

**Power.**—The Federal Advisory Council shall have power, by itself or through its officers, (1) to confer directly with the Federal Reserve Board on general business conditions; (2) to make oral or written representations concerning matters within the jurisdiction of said board; (3) to call for information and to make recommendations in regard to discount rates, rediscount business, note issues, reserve conditions in the various districts, the purchase and sale of gold or securities by reserve banks, open-market operations by said banks, and the general affairs of the reserve banking system.

### POWERS OF FEDERAL RESERVE BANKS.

**§ 13. Deposits.**—Any federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national bank notes, federal reserve notes, or checks and drafts upon solvent member banks, payable upon presentation; or, solely for exchange purposes, may receive from other federal reserve banks deposits of current funds in lawful money, national bank notes, or checks and drafts upon solvent member or other federal reserve banks, payable upon presentation.

**Discount.**—Upon the indorsement of any of its member banks, with a waiver of demand, notice and protest by such bank, any federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are

to be used, for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States.

**Maturity.**—Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than ninety days: Provided, That notes, drafts, and bills drawn or issued for agricultural purposes or based on livestock and having a maturity not exceeding six months may be discounted in an amount to be limited to a percentage of the capital of the federal reserve bank, to be ascertained and fixed by the Federal Reserve Board.

**Acceptances.**—Any federal reserve bank may discount acceptances which are based on the importation or exportation of goods and which have a maturity at time of discount of not more than three months, and indorsed by at least one member bank. The amount of acceptances so discounted shall at no time exceed one-half the paid-up capital stock and surplus of the bank for which the rediscounts are made.

**Restriction.**—The aggregate of such notes and bills bearing the signature or indorsement of any one person, company, firm, or corporation rediscounted for any one bank shall at no time exceed ten per centum of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values.

Any member bank may accept drafts or bills of exchange drawn upon it and growing out of transactions involving the importation or exportation of goods having not more than six months sight to run; but no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half its paid-up capital stock and surplus.

**Limit of Indebtedness.**—Section 5202 of the Revised Statutes of the United States is hereby amended so as to read as follows: No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

against its federal reserve notes in actual circulation, and not offset by gold or lawful money deposited with the federal reserve agent.

**Notes, How Paid Out and Returned.**—Notes so paid out shall bear upon their faces a distinctive letter and serial number, which shall be assigned by the Federal Reserve Board to each federal reserve bank. Whenever federal reserve notes issued through one federal reserve bank shall be received by another federal reserve bank they shall be promptly returned for credit or redemption to the federal reserve bank through which they were originally issued. No federal reserve bank shall pay out notes issued through another under penalty of a tax of ten per centum upon the face value of notes so paid out.

**Notes Presented for Redemption at the Treasury.**—Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the federal reserve banks through which they were originally issued, and thereupon such federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates. and such federal reserve bank shall, so long as any of its federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasury, otherwise than for redemption, may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

**Deposit in Treasury for Redemption of Federal Reserve Notes.**—The Federal Reserve Board shall require each federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the federal reserve notes issued to such bank, but in no event less than five per centum; but such deposit of gold shall be counted and included as part of the forty per centum reserve hereinbefore required.

**Right to Grant or Reject Application.**—The board shall have the right, acting through the federal reserve agent, to grant in whole or in part or to reject entirely the application of any federal reserve bank for federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local federal reserve agent, supply federal reserve notes to the bank so applying, and such bank shall be charged with the amount of such notes and shall pay such rate of interest on said amount as may be established by the Federal Reserve Board, and the amount of such federal reserve

notes so issued to any such bank shall, upon delivery, together with such notes of such federal reserve bank as may be issued under section 18 of this act upon security of United States two per centum government bonds, become a first and paramount lien on all the assets of such bank.

**Federal Reserve Bank may Reduce Liability.**—Any federal reserve bank may at any time reduce its liability for outstanding federal reserve notes by depositing, with the federal reserve agent, its federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

**Redemption of Notes.**—The federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the federal reserve agent to transmit so much of said gold to the Treasury of the United States as may be required for the exclusive purpose of the redemption of such notes.

**Federal Reserve Bank may Substitute Collateral.**—Any federal reserve bank may at its discretion withdraw collateral deposited with the local federal reserve agent for the protection of its federal reserve notes deposited with it and shall at the same time substitute therefor other like collateral of equal amount with the approval of the federal reserve agent under regulations to be prescribed by the Federal Reserve Board.

**Notes for Circulation—Form and Tenor.**—In order to furnish suitable notes for circulation as federal reserve notes, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of \$5, \$10, \$20, \$50, \$100, as may be required to supply the federal reserve banks. Such notes shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this act and shall bear the distinctive numbers of the several federal reserve banks through which they are issued.

**Notes Held for Delivery.**—When such notes have been prepared, they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each federal reserve bank and shall be held for the use of such bank subject to the order of the Comptroller of the Currency for their delivery, as provided by this act.

**Expenses Incidental to Issue and Retirement.**—The plates and dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating

to the procuring of such notes, and all other expenses incidental to their issue and retirement, shall be paid by the federal reserve banks, and the Federal Reserve Board shall include in its estimate of expenses levied against the federal reserve banks a sufficient amount to cover the expenses herein provided for.

**Examination of Plates, Dies, and so Forth.**—The examination of plates, dies, bedpieces, and so forth, and regulations relating to such examination of plates, dies, and so forth, of national bank notes provided for in section 5174 Revised Statutes, is hereby extended to include notes herein provided for.

**Appropriation.**—Any appropriation heretofore made out of the general funds of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national bank notes or notes provided for by the act of May 30, 1908, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act in addition to circulating notes provided for by existing law, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated for the purpose of furnishing the notes aforesaid: Provided, however, That nothing in this section contained shall be construed as exempting national banks or federal reserve banks from their liability to reimburse the United States for any expenses incurred in printing and issuing circulating notes.

**Deposit from Member Banks or Federal Reserve Banks.**—Every federal reserve bank shall receive on deposit at par from member banks or from federal reserve banks checks and drafts drawn upon any of its depositors, and when remitted by a federal reserve bank, checks and drafts drawn by any depositor in any other federal reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank.

**Charges.**—Nothing herein contained shall be construed as prohibiting a member bank from charging its actual expense incurred in collecting and remitting funds, or for exchange sold to its patrons. The Federal Reserve Board shall, by rule, fix the charges to be collected by the member banks from its patrons whose checks are cleared through the federal reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the federal reserve bank.

**Regulations Governing Transfer of Funds and Clearing-house.**—The Federal Reserve Board shall make and promulgate from time to time regulations governing the transfer of funds and charges therefor among federal reserve banks and their branches, and may at its discretion exercise the functions of a clearing-house for such federal reserve banks, or may designate a federal reserve bank to exercise such functions, and may also require each such bank to exercise the functions of a clearing-house for its member banks.

**§ 17. Certain Laws Repealed.**—So much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes as require that before any national banking associations shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds is hereby repealed.

#### REFUNDING BONDS.

**§ 18. Application to Sell United States Bonds Securing Circulation.** After two years from the passage of this act, and at any time during a period of twenty years thereafter, any member bank desiring to retire the whole or any part of its circulating notes, may file with the Treasurer of the United States an application to sell for its account, at par and accrued interest, United States bonds securing circulation to be retired.

**Quarterly List of Applications—Board may Require Reserve Banks to Purchase Bonds.**—The Treasurer shall, at the end of each quarterly period, furnish the Federal Reserve Board with a list of such applications, and the Federal Reserve Board may, in its discretion, require the federal reserve banks to purchase such bonds from the banks whose applications have been filed with the Treasurer at least ten days before the end of any quarterly period at which the Federal Reserve Board may direct the purchase to be made: Provided, That federal reserve banks shall not be permitted to purchase an amount to exceed \$25,000,000 of such bonds in any one year, and which amount shall include bonds acquired under section four of this act by the federal reserve bank.

**Allotment.**—Provided further, That the Federal Reserve Board shall allot to each federal reserve bank such proportion of such bonds as the capital and surplus of such bank shall bear to the aggregate capital and surplus of all the federal reserve banks.

**Manner of Purchase.**—Upon notice from the Treasurer of the amount of bonds so sold for its account, each member bank shall duly assign and transfer, in writing, such bonds to the federal reserve bank purchasing the same, and such federal reserve bank shall, thereupon, deposit lawful money with the Treasurer of the United States for the purchase price of such bonds, and the Treasurer shall pay to the member bank selling such bonds any balance due after deducting a sufficient sum to redeem its outstanding notes secured by such bonds, which notes shall be canceled and permanently retired when redeemed.

**Banks Purchasing Permitted to Take Out Notes.**—The federal reserve banks purchasing such bonds shall be permitted to take out an amount of circulating notes equal to the par value of such bonds.

**Bank to Receive Notes Equal to Par of Bonds Deposited.**—Upon the deposit with the Treasurer of the United States of bonds so purchased, or any bonds with the circulating privilege acquired under

section four of this act, any federal reserve bank making such deposit in the manner provided by existing law, shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited. Such notes shall be the obligations of the federal reserve bank procuring the same, and shall be in form prescribed by the Secretary of the Treasury, and to the same tenor and effect as national bank notes now provided by law. They shall be issued and redeemed under the same terms and conditions as national bank notes except that they shall not be limited to the amount of the capital stock of the federal reserve bank issuing them.

**One Year Gold Notes and Thirty Year Three per Centum Gold Bonds.**—Upon application of any federal reserve bank, approved by the Federal Reserve Board, the Secretary of the Treasury may issue, in exchange for United States two per centum gold bonds bearing the circulation privilege, but against which no circulation is outstanding, one year gold notes of the United States without the circulation privilege, to an amount not to exceed one-half of the two per centum bonds so tendered for exchange, and thirty year three per centum gold bonds without the circulation privilege for the remainder of the two per centum bonds so tendered: Provided, That at the time of such exchange the federal reserve bank obtaining such one year gold notes shall enter into an obligation with the Secretary of the Treasury binding itself to purchase from the United States for gold at the maturity of such one year notes, an amount equal to those delivered in exchange for such bonds, if so requested by the Secretary, and at each maturity of one year notes so purchased by such federal reserve bank, to purchase from the United States such an amount of one year notes as the Secretary may tender to such bank, not to exceed the amount issued to such bank in the first instance, in exchange for the two per centum United States gold bonds; said obligation to purchase at maturity such notes shall continue in force for a period not to exceed thirty years.

**Treasury Notes—Form.**—For the purpose of making the exchange herein provided for, the Secretary of the Treasury is authorized to issue at par Treasury notes in coupon or registered form as he may prescribe in denominations of \$100, or any multiple thereof, bearing interest at the rate of three per centum per annum, payable quarterly, such Treasury notes to be payable not more than one year from the date of their issue in gold coin of the present standard value, and to be exempt as to principal and interest from the payment of all taxes and duties of the United States except as provided by this act, as well as from taxes in any form by or under State, municipal, or local authorities.

**United States Bonds—Tenor and Effect.**—And for the same purpose, the Secretary is authorized and empowered to issue United States gold bonds at par, bearing three per centum interest payable thirty years from date of issue, such bonds to be of the same general tenor and effect and to be issued under the same general terms and conditions as



the United States three per centum bonds without the circulation privilege now issued and outstanding.

**Bonds in Exchange for One Year Gold Notes.**—Upon application of any federal reserve bank, approved by the Federal Reserve Board, the Secretary may issue at par such three per centum bonds in exchange for the one year gold notes herein provided for.

### BANK RESERVES.

**§ 19. Demand Deposits.**—Demand deposits within the meaning of this act shall comprise all deposits payable within thirty days, and time deposits shall comprise all deposits payable after thirty days, and all savings accounts and certificates of deposit which are subject to not less than thirty days' notice before payment.

**Reserves.**—When the Secretary of the Treasury shall have officially announced, in such manner as he may elect, the establishment of a federal reserve bank in any district, every subscribing member bank shall establish and maintain reserves as follows:

**Bank not in a Reserve or Central Reserve City.**—(a) A bank not in a reserve or central reserve city as now or hereafter defined shall hold and maintain reserves equal to twelve per centum of the aggregate amount of its demand deposits and five per centum of its time deposits, as follows:

In its vaults for a period of thirty-six months after said date five-twelfths thereof and permanently thereafter four-twelfths.

In the federal reserve bank of its district, for a period of twelve months after said date, two-twelfths, and for each succeeding six months an additional one-twelfth, until five-twelfths have been so deposited, which shall be the amount permanently required.

For a period of thirty-six months after said date the balance of the reserves may be held in its own vaults, or in the federal reserve bank, or in national banks in reserve or central reserve cities as now defined by law.

After said thirty-six months' period said reserves, other than those hereinbefore required to be held in the vaults of the member bank and in the federal reserve bank, shall be held in the vaults of the member bank or in the federal reserve bank, or in both, at the option of the member bank.

**Bank in a Reserve City.**—(b) A bank in a reserve city, as now or hereafter defined, shall hold and maintain reserves equal to fifteen per centum of the aggregate amount of its demand deposits and five per centum of its time deposits, as follows:

In its vaults for a period of thirty-six months after said date six-fifteenths thereof, and permanently thereafter five-fifteenths.

In the federal reserve bank of its district for a period of twelve months after the date aforesaid at least three-fifteenths, and for each succeeding six months an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

For a period of thirty-six months after said date the balance of the reserves may be held in its own vaults, or in the federal reserve bank, or in national banks in reserve or central reserve cities as now defined by law.

After said thirty-six months' period all of said reserves, except those hereinbefore required to be held permanently in the vaults of the member bank and in the federal reserve bank, shall be held in its vaults or in the federal reserve bank, or in both, at the option of the member bank.

**Bank in a Central Reserve City.**—(c) A bank in a central reserve city, as now or hereafter defined, shall hold and maintain a reserve equal to eighteen per centum of the aggregate amount of its demand deposits and five per centum of its time deposits, as follows:

In its vaults six-eighteenths thereof.

In the federal reserve bank seven-eighteenths.

The balance of said reserves shall be held in its own vaults or in the federal reserve bank, at its option.

**Federal Reserve Bank may Receive as Reserves Eligible Paper.**—Any federal reserve bank may receive from the member banks as reserves, not exceeding one-half of each installment, eligible paper as described in section 14 properly indorsed and acceptable to the said reserve bank.

**Reserve Deposits Kept in State Bank.**—If a State bank or trust company is required by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company, such reserve deposits so kept in such State bank or trust company shall be construed, within the meaning of this section, as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a federal reserve bank in the district in which such State bank or trust company is situate.

**Deposit With Nonmember Bank.**—Except as thus provided, no member bank shall keep on deposit with any nonmember bank a sum in excess of ten per centum of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a federal reserve bank under the provisions of this act except by permission of the Federal Reserve Board.

**Reserve may be Checked Against.**—The reserve carried by a member bank with a federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities.

**No New Loans Until Reserve Restored.**—Provided, however, That no bank shall at any time make new loans or shall pay any dividends unless and until the total reserve required by law is fully restored.

**Estimating Reserves.**—In estimating the reserves required by this act, the net balance of amounts due to and from other banks shall be

taken as the basis for ascertaining the deposits against which reserves shall be determined. Balances in reserve banks due to member banks shall, to the extent herein provided, be counted as reserves.

**Banks in Alaska or Outside Continental United States.**—National banks located in Alaska or outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks, except in the Philippine Islands, may, with the consent of the reserve board, become member banks of any one of the reserve districts, and shall, in that event, take stock, maintain reserves, and be subject to all the other provisions of this act.

**§ 20. Act of June 20, 1874, Repealed in Part.**—So much of sections 2 and 3 of the act of June 20, 1874, entitled “An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes,” as provides that the fund deposited by any national banking association with the Treasurer of the United States for the redemption of its notes shall be counted as a part of its lawful reserve as provided in the act aforesaid, is hereby repealed. And from and after the passage of this act such fund of five per centum shall in no case be counted by any national banking association as a part of its lawful reserve.

#### BANK EXAMINATIONS.

**§ 21. Examiners.**—Section 5240, United States Revised Statutes, is amended to read as follows:

The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall appoint examiners who shall examine every member bank at least twice in each calendar year and oftener if considered necessary.

**Examination by State Authorities.**—Provided, however, That the Federal Reserve Board may authorize examination by the State authorities to be accepted in the case of State Banks and trust companies and may at any time direct the holding of a special examination of State banks or trust companies that are stockholders in any federal reserve bank.

**Powers and Duties of Examiners.**—The examiner making the examination of any national bank, or of any other member bank, shall have power to make a thorough examination of all the affairs of the bank, and in doing so he shall have power to administer oaths and to examine any of the officers and agents thereof under oath and shall make a full and detailed report of the condition of said bank to the Comptroller of the Currency.

**Salaries of Bank Examiners.**—The Federal Reserve Board, upon the recommendation of the Comptroller of the Currency, shall fix the salaries of all bank examiners and make report thereof to Congress.

**Expense of Examinations.**—The expense of the examinations herein provided for shall be assessed by the Comptroller of the Currency upon

the banks examined in proportion to assets or resources held by the banks upon the dates of examination of the various banks.

**Special Examination.**—In addition to the examinations made and conducted by the Comptroller of the Currency, every federal reserve bank may, with the approval of the federal reserve agent or the Federal Reserve Board, provide for special examination of member banks within its district. The expense of such examinations shall be borne by the bank examined. Such examinations shall be so conducted as to inform the federal reserve bank of the condition of its member banks and of the lines of credit which are being extended by them. Every federal reserve bank shall at all times furnish to the Federal Reserve Board such information as may be demanded concerning the condition of any member bank within the district of the said federal reserve bank.

**No Bank Subject to Visitatorial Powers.**—No bank shall be subject to any visitatorial powers other than such as are authorized by law, or vested in the courts of justice or such as shall be or shall have been exercised or directed by Congress, or by either House thereof or by any committee of Congress or of either House duly authorized.

**Examination of Federal Reserve Bank.**—The Federal Reserve Board shall, at least once each year, order an examination of each federal reserve bank, and upon joint application of ten member banks the Federal Reserve Board shall order a special examination and report of the condition of any federal reserve bank.

**§ 22. Loan or Gratuity to Bank Examiner.**—No member bank or any officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any bank examiner. Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than \$5,000, or both; and may be fined a further sum equal to the money so loaned or gratuity given. Any examiner accepting a loan or gratuity from any bank examined by him or from an officer, director, or employee thereof shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than \$5,000, or both; and may be fined a further sum equal to the money so loaned or gratuity given; and shall forever thereafter be disqualified from holding office as a national bank examiner.

**No Examiner shall Perform Other Service for Compensation.**—No national bank examiner shall perform any other service for compensation while holding such office for any bank or officer, director, or employee thereof.

**Fee, Commission, Gift, in Connection With Transaction of Bank.**—Other than the usual salary or director's fee paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for services rendered to such bank, no officer, director, employee, or attorney of

a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank.

No examiner, public or private, shall disclose the names of borrowers or the collateral for loans of a member bank to other than the proper officers of such bank without first having obtained the express permission in writing from the Comptroller of the Currency, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this section shall be punished by a fine of not exceeding \$5,000 or by imprisonment not exceeding one year, or both.

Except as provided in existing laws, this provision shall not take effect until sixty days after the passage of this act.

**§ 23. Stockholders' Liability.**—The stockholders of every national banking association shall be held individually responsible for all contracts, debts, and engagements of such association, each to the amount of his stock therein, at the par value thereof in addition to the amount invested in such stock. The stockholders in any national banking association who shall have transferred their shares or registered the transfer thereof within sixty days next before the date of the failure of such association to meet its obligations, or with knowledge of such impending failure, shall be liable to the same extent as if they had made no such transfer, to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way any recourse which such shareholders might otherwise have against those in whose names such shares are registered at the time of such failure.

#### LOANS ON FARM LANDS.

**§ 24. Conditions.**—Any national banking association not situated in a central reserve city may make loans secured by improved and unencumbered farm land, situated within its federal reserve district, but no such loan shall be made for a longer time than five years, nor for an amount exceeding fifty per centum of the actual value of the property offered as security. Any such bank may make such loans in an aggregate sum equal to twenty-five per centum of its capital and surplus or to one-third of its time deposits and such banks may continue hereafter as heretofore to receive time deposits and to pay interest on the same.

**Board may Add to List of Cities in Which Banks not Permitted to Make Farm Loans.**—The Federal Reserve Board shall have power from time to time to add to the list of cities in which national banks shall not be permitted to make loans secured upon real estate in the manner described in this section.

**§ 25. Application to Establish Branches in Foreign Countries.**—Any national banking association possessing a capital and surplus of

\$1,000,000 or more may file application with the Federal Reserve Board, upon such conditions and under such regulations as may be prescribed by the said board, for the purpose of securing authority to establish branches in foreign countries or dependencies of the United States for the furtherance of the foreign commerce of the United States, and to act, if required to do so, as fiscal agents of the United States. Such application shall specify, in addition to the name and capital of the banking association filing it, the place or places where the banking operations proposed are to be carried on, and the amount of capital set aside for the conduct of its foreign business. The Federal Reserve Board shall have power to approve or to reject such application if, in its judgment, the amount of capital proposed to be set aside for the conduct of foreign business is inadequate, or if for other reasons the granting of such application is deemed inexpedient.

**Information Concerning the Condition of Branches.**—Every national banking association which shall receive authority to establish foreign branches shall be required at all times to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and the Federal Reserve Board may order special examinations of the said foreign branches at such time or times as it may deem best.

**Accounts of Foreign Branch.**—Every such national banking association shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accruing at each branch as a separate item.

**§ 26. Parity Provision.**—All provisions of law inconsistent with or superseded by any of the provisions of this act are to that extent and to that extent only hereby repealed: Provided, Nothing in this act contained shall be construed to repeal the parity provision or provisions contained in an act approved March 14, 1900 entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," and the Secretary of the Treasury may for the purpose of maintaining such parity and to strengthen the gold reserve, borrow gold on the security of United States bonds authorized by section 2 of the act last referred to or for one-year gold notes bearing interest at a rate of not to exceed three per centum per annum, or sell the same if necessary to obtain gold. When the funds of the Treasury on hand justify, he may purchase and retire such outstanding bonds and notes.

**§ 27. National Currency Associations, Additional National Bank Circulation, and National Monetary Commission.**—The provisions of the act of May 30, 1908, authorizing national currency associations, the issue of additional national bank circulation, and creating a National Monetary Commission, which expires by limitation under the

terms of such act on the 30th day of June 1914, are hereby extended to June 30, 1915, and sections 5153, 5172, 5191, and 5214, of the Revised Statutes of the United States, which were amended by the act of May 30, 1908, are hereby re-enacted to read as such sections read prior to May 30, 1908, subject to such amendments or modifications as are prescribed in this act:

**Tax Rates.**—Provided, however, That section 9 of the act first referred to in this section is hereby amended so as to change the tax rates fixed in said act by making the portion applicable thereto read as follows:

National banking associations having circulating notes secured otherwise than by bonds of the United States, shall pay for the first three months a tax at the rate of three per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterward an additional tax rate of one-half of one per centum per annum for each month until a tax of six per centum per annum is reached, and thereafter such tax of six per centum per annum upon the average amount of such notes.

**§ 28. Reduction of Capital Stock.**—Section 5143 of the Revised Statutes is hereby amended and re-enacted to read as follows: Any association formed under this title may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this title to authorize the formation of associations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and such reduction has been approved by the said Comptroller of the Currency and by the Federal Reserve Board, or by the organization committee pending the organization of the Federal Reserve Board.

**§ 29. If Part of Act Adjudged Invalid.**—If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 30. Right to Amend, Alter, or Repeal.**—The right to amend, alter, or repeal this act is hereby expressly reserved.

*Approved, December 23, 1913.*

**BANKS IN CALIFORNIA.****Alameda—90.**

- 98—Alameda National.
- 99—Alameda Savings.
- 100—Citizens' National.
- 101—Citizens' Savings.

**Alhambra—90.**

- 242—Alhambra Savings.
- 241—First National.
- 244—Alhambra National Bank.

**Alturas—90.**

- 501—First National.

**Alvarado—90.**

- 540—Bank of Alameda County.

**Anaheim—90.**

- 370—American Savings.
- 751—Anaheim National.
- 368—First National.
- 369—German American.
- 763—Southern County.

**Anderson—90.**

- 541—Bank of Anderson.

**Angels Camp—90.**

- 542—Calaveras County Bank.

**Antioch—90.**

- 485—Antioch Bank of Savings.
- 483—Bank of Antioch.
- 484—First National.

**Arbuckle—90.**

- 543—Bank of Arbuckle.

**Arcata—90.**

- 544—Bank of Arcata.
- 782—Arcata Savings Bank.
- 793—First National.

**Arlington—90.**

- 545—Citizens'.

**Arroyo Grande—90.**

- 546—Bank of Arroyo Grande.

**Artesia.**

- 547—First National.

**Atwater—90.**

- 721—Merced Security Savings.



**Auburn—90.**

- 391—Auburn Savings.
- 390—First National.
- 389—Placer County.

**Azusa—90.**

- 454—Azusa Valley Savings.
- 453—First National.
- 455—United States National.

**Bakersfield—90.**

- 619—First Bank of Kern.
- 139—First National.
- 141—National Bank of Bakersfield.
- 138—Producers' Savings.
- 140—Security Trust.

**Banning—90.**

- 548—First National.

**Beaumont—90.**

- 549—Bank of Beaumont.

**Benicia—90.**

- 550—People's Bank.

**Berkeley—90.**

- 41—Berkeley Bank of Savings and Trust Co.
- 44—Berkeley National.
- 42—First National.
- 45—Homestead Savings.
- 668—South Berkeley.
- 43—University Savings.
- 687—West Berkeley.

**Biggs—90.**

- 551—Sacramento Valley.

**Bigpine—90.**

- 552—Inyo County.

**Bishop—90.**

- 471—Inyo County.
- 472—Owens Valley.

**Black Diamond—See Pittsburg.****Blythe—90.**

- 554—Palo Verde Valley.

**Brawley—90.**

- 509—First National.
- 508—Imperial Valley Savings.

**Brea—90.**

- 735—La Habra Valley.

**Brentwood—90.**

- 781—Bank of Brentwood.

- Burbank**—90.  
720—Burbank Savings.  
556—First National.  
791—Farmers & Merchants' Bank.
- Burlingame**—90.  
557—Bank of Burlingame.
- Butte City**—90.  
558—Sacramento Valley.
- Byron**—90.  
559—Bank of Tracy.
- Calexico**—90.  
518—Calexico National.  
519—First National.
- Calistoga**—90.  
560—Calistoga National.
- Cambria**—90.  
561—Bank of Cambria.
- Campbell**—90.  
562—Bank of Campbell.
- Carpenteria**—90.  
693—Commercial Savings.
- Cedarville**—90.  
563—Surprise Valley.
- Centerville**—90.  
564—Bank of Centerville.
- Ceres**—90.  
565—Bank of Ceres.
- Chico**—90.  
304—Bank of Chico.  
305—Butte County National.  
306—Butte County Savings.  
307—First National.
- Chino**—90.  
757—Chino Savings.  
566—First National.
- Chowchilla**—90.  
592—Bank of Chowchilla.
- Chula Vista**—90.  
742—Chula Vista State.  
567—People's State.
- Claremont**—90.  
764—Claremont National.  
568—First National.
- Cloverdale**—90.  
569—Bank of Cloverdale.

- Clovis**—90.  
738—First National.  
570—First State.
- Coachella**—90.  
767—First National.
- Coalinga**—90.  
291—Bank of Coalinga.  
292—First National.
- Colfax**—90.  
571—Colfax Bank.
- Colton**—90.  
300—Colton National.  
299—First National.
- Colusa**—90.  
443—Colusa County.  
444—First Savings.  
704—First National.
- Compton**—90.  
498—Citizens' Savings.  
499—First National.  
789—Farmers & Merchants' Bank of Compton.
- Concord**—90.  
525—Bank of Concord.  
526—First National.  
759—San Ramon Valley.
- Corcoran**—90.  
534—First National.  
535—First Savings.
- Corning**—90.  
572—Bank of Corning.  
755—Tehama County Savings.
- Corona**—90.  
318—Citizens' Bank.  
320—Corona National.  
319—First National.
- Coronado**—90.  
573—Bank of Commerce and Trust Co.
- Covina**—90.  
434—Covina National.  
433—Covina Valley Savings.  
432—First National.
- Crescent City**—90.  
482—Bank of Crescent City.  
481—Del Norte County.
- Crockett**—90.  
574—Bank of Pinole.

**Crows Landing—90.**

536—Bank of Newman.

537—First National.

**Cucamonga—90.**

575—First National.

**Danville—90.**

576—San Ramon Valley.

**Davis—90.**

577—Bank of Yolo.

796—Bank of Davis.

**Delano—90.**

578—First National.

**Denair—90.**

726—Commercial.

**Dinuba—90.**

697—Dinuba Savings.

494—First National.

495—United States National.

**Dixon—90.**

514—Bank of Dixon.

515—First National.

724—Northern Solano Savings.

**Dorris—90.**

579—Butte Valley State.

**Dos Palos—90.**

707—Bank of Dos Palos.

580—Bank of Los Banos.

**Downey—90.**

418—Bank of Downey.

417—Los Nietos Valley.

**Ducor—90.**

768—First National.

**Dunsmuir—90.**

581—State Bank of Dunsmuir.

**Durham—90.**

771—Commercial.

**Dutch Flat—90.**

582—W. &amp; P. Nicholls.

**Eagle Rock—90.**

—Eagle Rock.

**East Auburn—See Auburn.****East San Diego—90.**

773—East San Diego State.

- El Cajon**—90.  
583—Cuyamaca State.
- El Centro**—90.  
436—El Centro National.  
435—First National.  
744—Security Savings.
- Elk Grove**—90.  
584—Bank of Elk Grove.
- Elmhurst**—90.  
254—Bank of San Leandro.
- El Monte**—90.  
585—First National.  
786—Southern County.
- El Segundo**—90.  
719—El Segundo State.
- Elsinore**—90.  
586—Consolidated Bank.
- Emeryville**—90.  
587—First National.
- Escalon**—90.  
743—Escalon State.
- Escondido**—90.  
460—Escondido National.  
462—Escondido Savings.  
461—First National.  
463—Home Savings.
- Esparto**—90.  
783—Bank of Esparto.
- Etna Mills**—90.  
588—Scott Valley.
- Eureka**—90.  
146—Bank of Eureka.  
147—First National.  
145—Home Savings.  
143—Humboldt County.  
144—Savings Bank of Humboldt County.
- Exeter**—90.  
729—Citrus Bank.  
589—First National.
- Fair Oaks**—90.  
590—Fair Oaks Bank.
- Fallbrook**—90.  
591—Citizens' Commercial.
- Ferndale**—90.  
504—Ferndale.  
505—Russ Williams Banking Co.

- Fillmore**—90.  
592—Fillmore State.  
799—Farmers & Merchants'.
- Folsom**—90.  
593—Bank of Folsom.
- Forestville**—90  
594—Analay Savings.
- Fort Bidwell**.  
595—Bank of Fort Bidwell.
- Fort Bragg**—90.  
381—First Bank of Savings.  
380—First National.  
734—Fort Bragg Commercial.
- Fort Jones**—90.  
539—Mt. Shasta Banking Co.  
538—Scott Valley Bank.
- Fortuna**—90.  
596—Bank of Fortuna.
- Fowler**—90.  
597—First National.  
775—Fowler National.
- Fresno**—90.  
89—Bank of Central California.  
87—Farmers' National.  
88—First National.  
90—Fresno National.  
94—Fresno Savings.  
95—Industrial.  
91—People's Savings.  
92—Union National.
- Fruitvale**—See Oakland.
- Fullerton**—90.  
430—Farmers and Mechants' National.  
429—First National.  
431—Fullerton Savings.
- Galt**—90.  
736—Bank of Galt.
- Gardena**—90.  
761—Citizens' State Savings.  
598—Gardena Bank & Trust Co.
- Garden Grove**—90.  
599—Bank of Garden Grove.
- Geyserville**—90.  
600—Bank of Geyserville.

- Gilroy**—90.  
378—Bank of Gilroy.  
722—First National.  
379—Gilroy Savings & Loan.
- Glendale**—90.  
359—Bank of Glendale.  
358—First National.  
794—Glendale Savings.
- Glendora**—90.  
441—First National.  
442—First Savings.  
440—Glendora Bank.
- Gonzales**—90.  
601—Bank of Gonzales.
- Grass Valley**—90.  
276—Citizens'.  
277—Nevada County.
- Greenville**—90.  
716—Indian Valley.
- Gridley**—90.  
493—Gridley State.  
492—Rideout.
- Grimes**—90.  
—Colusa County Bank.
- Guadaloupe**—90.  
602—Bank of Santa Maria.
- Guerneville**—90.  
603—Bank of Guerneville.
- Gustine**—90.  
604—Bank of Los Banos.  
—Bank of Gustine.
- Halfmoon Bay**—90.  
605—Bank of Halfmoon Bay.
- Hanford**—90.  
259—Farmers & Merchants' National.  
261—First National.  
263—Hanford National.  
260—Hanford Savings.  
264—People's Savings.  
262—The Old Bank.
- Hardwick**—90.  
787—First National.
- Hayward**—90.  
355—Bank of Hayward.  
356—Farmers & Merchants'.

- 694—First National.
- 357—Hayward Bank of Savings.
- Healdsburg**—90.
  - 730—Farmers & Merchants' Savings.
  - 415—First National.
  - 416—Healdsburg National.
  - 752—Healdsburg Savings.
- Hemet**—90.
  - 490—Bank of Hemet.
  - 491—Farmers & Merchants'.
- Hermosa Beach**—90.
  - 780—First Bank of Hermosa Beach.
- Highgrove**—90.
  - 606—Bank of Highgrove.
- Highland**—90.
  - 607—First Bank of Highland.
- Hollister**—90.
  - 392—Bank of Hollister.
  - 395—First National.
  - 394—Hollister Savings.
  - 393—Savings & Loan Bank of San Benito County.
- Hollywood**—90.
  - 250—Citizens' Savings.
  - 248—First National.
  - 247—Hollywood National.
  - 249—Hollywood Savings.
- Holtville**—90.
  - 523—First National.
  - 524—Holtville Bank.
- Hopland**—90.
  - 608—Bank of Hopland.
- Hueneme**—90.
  - 609—Bank of Hueneme.
- Hughson**—90.
  - 610—Bank of Hughson.
- Huntington Beach**—90.
  - 516—First National.
  - 517—Savings Bank of Huntington Beach.
- Huntington Park**—90.
  - 611—Bank of Huntington Park.
- Hynes**—90.
  - 612—First National.
- Imperial**—90.
  - 465—Farmers & Merchants'.
  - 464—First National.



- Independence**—90.  
613—Owens Valley.
- Inglewood**—90.  
448—Citizens' Savings.  
447—First National.
- Ione**—90.  
614—Sacramento Valley Bank & Trust Co.
- Irvington**—90.  
615—Bank of Alameda County.
- Jackson**—90.  
616—Bank of Amador County.
- Jamestown**—90.  
765—First Bank of Jamestown.  
749—Union National.
- Kennet**—90.  
718—First Savings Bank of Shasta County.
- Kerman**—90.  
618—First National.
- Kern**—See Bakersfield.
- King City**—90.  
620—Monterey County.
- Kingsburg**—90.  
532—First National.  
533—Kingsburg Bank.
- La Jolla**—90.  
621—Southern Trust & Savings Bank.
- Lakeport**—90.  
511—Bank of Lake.  
510—Farmers' Savings.
- La Mesa**—90.  
622—Bank of La Mesa.
- Lancaster**—90.  
756—Bank of Lancaster.  
762—Farmers & Merchants'.
- Lankershim**—90.  
623—Bank of Lankershim.
- Laton**—90.  
624—First National.
- Le Grand**—90.  
792—Le Grand Bank.
- Lemoore**—90.  
488—Bank of Lemoore.  
489—First National.

**Lincoln—90.**

625—Bank of Lincoln.

**Lindsay—90.**

423—First National.

424—Lindsay National.

425—Lindsay Savings.

**Live Oak—90.**

727—Rideout.

**Livermore—90.**

412—Farmers &amp; Merchants' National.

411—First National.

409—Livermore Savings.

410—Livermore Valley Savings.

**Lockeford—90.**

626—Union Safe Deposit Bank.

**Lodi—90.**

360—Bank of Lodi.

362—Central Savings.

361—First National.

**Loleta—90.**

627—Bank of Loleta.

**Lompoc—90.**

449—Bank of Lompoc.

450—Farmers &amp; Merchants' Savings.

451—Lompoc Valley.

452—Lompoc Valley Savings.

**Long Beach—90.**

118—City National.

117—Exchange National.

119—Farmers &amp; Merchants'.

113—First National.

115—Long Beach Savings Bank &amp; Trust Co.

112—National Bank of Long Beach.

**Loomis—90.**

784—Bank of Loomis.

**Lordsburg—90.**

496—First National.

497—State Bank of Pomona.

**Los Angeles—16.**

66—Bank of Italy.

56—California Savings.

10—Central National.

11—Citizens' National.

14—Citizens' Trust &amp; Savings.

68—City and County.

- 17—Commercial National.
- 53—Eagle Rock.
  - 1—Farmers & Merchants' National.
- 58—Federal Bank.
  - 3—First National.
- 52—German-American Trust & Savings.
- 63—Globe Savings.
- 65—Hellman Commercial Trust & Savings.
- 71—Highland Park.
- 60—Home Savings.
- 61—International Savings & Exchange.
- 70—Los Angeles Hibernian Savings.
- 73—Los Angeles Title & Trust Co.
- 54—Los Angeles Trust & Savings.
  - 5—Merchants' National.
  - 9—National Bank of California.
  - Oil & Metal Bank & Trust Co.
- 51—Security Trust & Savings.
  - Southern Trust Co.
- 72—Title Guarantee & Trust Co.
- 74—Title Insurance & Trust Co.
- 67—Traders' Bank.
- 18—United States National.
- 75—Yokohama Specie Bank, Ltd.
- Los Banos**—90.
  - 521—Bank of Los Banos.
  - 522—First National.
- Los Gatos**—90.
  - 628—Bank of Los Gatos.
  - 710—First National.
- Loyalton**—90.
  - 629—Sierra Valley.
- Madera**—90.
  - 382—Commercial National.
  - 383—First National.
  - 731—Madera Savings.
- Manteca**—90.
  - 712—First State.
- Maricopa**—90.
  - 340—Bank of Maricopa.
  - 341—First National.
- Martinez**—90.
  - 407—Bank of Martinez.
  - 408—First National Bank of Contra Costa County.
- Marysville**—90.
  - 231—Decker Jewett & Co. Bank.

- 233—Northern California Bank of Savings.
- 232—Rideout.
- Maxwell**—90.
  - 706—Colusa County.
- Mayfield**—90.
  - 630—Mayfield Bank & Trust Co.
- McCloud**—90.
  - 631—McCloud National.
- McFarland**—90.
  - 795—First National.
- Melrose**—90.
  - 632—Bank of Fruitvale.
- Mendocino**—90.
  - 633—Mendocino Bank of Commerce.
- Merced**—90.
  - 337—Commercial Savings.
  - 779—Farmers & Merchants' National.
  - 338—First National.
  - 336—Merced Security Savings.
- Mill Valley**—90.
  - 634—Bank of Mill Valley.
- Milpitas**—90.
  - 701—Bank of Milpitas.
- Modesto**—90.
  - 296—Farmers & Merchants'.
  - 294—First National.
  - 293—Modesto.
  - 297—Modesto Savings.
  - 298—Security Savings Bank of Stanislaus County.
  - 295—Union Savings.
- Moneta**—90.
  - 635—Moneta Commercial and Savings.
- Monrovia**—90.
  - 315—American National.
  - 312—First National.
  - 314—Granite Savings.
  - 313—Monrovia Savings.
- Montague**—90.
  - 636—Montague Banking Co.
- Montebello**—90.
  - 747—Montebello State.
- Monterey**—90.
  - 257—Bank of Monterey.
  - 258—First National.

700—Monterey Savings.  
—Monterey County Bank.

**Morgan Hill**—90.  
637—Bank of Morgan Hill.

**Mountain View**—90.  
638—Farmers & Merchants' State.  
778—First National.

**Napa**—90.  
226—Bank of Napa.  
228—First National.  
225—Jas. H. Goodman & Co. Bank.  
227—Napa Savings.

**National City**—90.  
753—National City State.  
639—People's National.

**Needles**—90.  
323—Bank of Needles.  
324—Monaghan & Murphy Bank.

**Nevada City**—90.  
366—Citizens'.  
367—Nevada County.

**Newcastle**—90.  
640—Bank of Newcastle.

**Newman**—90.  
506—Bank of Newman.  
507—First National.

**Newport Beach**—90.  
641—State Bank of Newport.

**Niles**—90.  
642—Niles State.

**Nordhoff**—90.  
643—Ojai State.

**Norwalk**—90.  
644—Bank of Norwalk.

**Novato**—90.  
798—Novato Bank.

**Oakdale**—90.  
750—Commercial State.  
486—First National.  
487—Stanislaus County Savings.

**Oakland**—90.  
14—Bank of Commerce.  
12—Bank of Fruitvale.  
—Bank of Germany.  
—Bank of San Leandro.

- 4—Central National.
- 9—Central Savings.
- 11—Citizens' Bank of Fruitvale.
- 5—Farmers' & Merchants' Savings.
- 3—First National.
- 15—First Trust & Savings.
- 18—Fugazi Banca Popolare Operaria Ital.
- 8—Harbor.
- 1—Oakland Bank of Savings.
- 7—Security Bank & Trust Co.
- 6—State Savings.
- 17—Twenty-third Avenue.
- 2—Union Savings.
- 10—West Oakland Bank.
- Oak Park**—90.
  - 645—Citizens' Bank.
- Ocean Park**—90.
  - 335—First National.
  - 334—Merchants' Commercial & Savings.
  - 333—Ocean Park.
- Oceanside**—90.
  - 527—Bank of Oceanside.
  - 527—First National.
- Ontario**—90.
  - 289—Euclid Savings.
  - 288—First National.
  - 290—Ontario National.
- Orange**—90.
  - 351—First National.
  - 349—National Bank of Orange.
  - 350—Orange Savings Bank.
  - 352—Security Savings.
- Orland**—90.
  - 512—Bank of Orland.
  - 513—Orland Savings.
  - 788—First National.
- Orosi**—90.
  - 646—National Bank of Orosi.
- Oroville**—90.
  - 303—Bank of Oroville, Savings.
  - 769—Bank of Rideout Smith & Co.
  - 302—First National.
  - 301—Rideout Smith National.
- Oxnard**—90.
  - 372—Bank of A. Levy, Inc.
  - 373—Oxnard Savings.
  - 371—First National.

- Pacific Grove**—90.  
387—Bank of E. Cooke Smith.  
388—Bank of Pacific Grove.
- Palms**—90.  
732—Citizens' State.
- Palo Alto**—90.  
278—Bank of Palo Alto.  
279—First National.
- Parlier**—90.  
713—First National.
- Pasadena**—90.  
75—Citizens' Savings.  
70—Crown City National.  
69—Crown City Savings & Trust Co.  
63—First National.  
71—National Bank of Commerce.  
64—Pasadena National.  
67—Pasadena Savings & Trust Co.  
74—Security National.  
72—State Bank of Pasadena.  
73—Union National.  
66—Union Trust and Savings.
- Paso Robles**—90.  
456—Citizens'.  
457—First National.
- Patterson**—90.  
696—Bank of Patterson.
- Perris**—90.  
647—Bank of Perris.
- Petaluma**—90.  
221—California Savings.  
220—Petaluma National.  
219—Petaluma Savings.  
222—Petaluma Swiss-American.  
218—Sonoma County National.
- Pinole**—90.  
648—Bank of Pinole.
- Pittsburg**—90.  
553—Contra Costa County.
- Placentia**—90.  
702—Placentia National.
- Placerville**—90.  
422—aa—Mierson Banking Co.
- Planada**—90.  
723—Bank of Planada.

**Pleasanton—90.**

- 466—Bank of Pleasanton.
- 467—First National Bank.
- 790—Amador Valley Savings.

**Point Arena—90.**

- 649—Bank of Point Arena.

**Point Reyes—90.**

- 650—Bank of Tomales.

**Pomona—90.**

- 178—American National.
- 177—First National.
- 179—Savings Bank & Trust Co.
- 180—State Bank of Pomona.

**Portersville—90.**

- 365—First National.
- 364—Pioneer.

**Princeton—90.**

- 737—Bank of Princeton.

**Puente—90.**

- 651—First National.

**Quincy—90.**

- 652—Plumas County.

**Ramona—90.**

- 698—State Bank of Ramona.

**Red Bluff—90.**

- 321—Bank of Tehama County.
- 711—Red Bluff National.

**Redding—90.**

- 717—First Savings Bank of Shasta County.
- 316—Northern California National.
- 703—Redding National.
- 317—Redding Savings.

**Redlands—90.**

- 174—Citizens' National.
- 171—First National.
- 170—Redlands National.
- 177—Savings Bank of Redlands.
- 173—Union Savings.

**Redondo Beach—90.**

- 346—Farmers' & Merchants' National.
- 347—First National.
- 348—Redondo Savings.



**Redwood City—90.**

- 374—First National of San Mateo County.
- 377—Redwood City Commercial.
- 375—San Mateo County Savings.
- 376—Savings & Trust Co. of San Mateo Co.

**Reedley—90.**

- 419—First National.
- 420—Reedley National.

**Rialto—90.**

- 653—First National.

**Richmond—90.**

- 202—Bank of Richmond.
- 204—First National.
- 203—Mechanics'.
- 205—Richmond Savings.

**Rio Vista—90.**

- 654—Bank of Rio Vista.

**Ripon—90.**

- 655—Bank of Ripon.

**Rivera—90.**

- 656—Rivera State.

**Riverdale—90.**

- 709—First National.

**Riverside—90.**

- Citizens' Bank of Arlington.
- 124—Citizens' National.
- 122—First National.
- 125—National Bank of Riverside.
- 123—Riverside Savings Bank & Trust Co.
- 126—Security Savings.

**Roseville—90.**

- 657—Roseville Banking & Trust Co.

**Sacramento—90.**

- 33—California National.
- 39—California Savings.
- 35—Capital Banking & Trust Co.
- 38—Capital National.
- Citizens' Bank of Oak Park.
- 34—Farmers & Merchants' Savings.
- 36—Fort Sutter National.
- 30—National Bank of D. O. Mills & Co.
- 40—Nippon Bank.
- 32—People's Savings.
- 31—Sacramento.
- 37—Sacramento Valley Bank & Trust Co.

**Salinas—90.**

- 310—First National.
- 309—Monterey County.
- 308—Salinas City.
- 311—Salinas Valley Savings.

**San Anselmo—90.**

- 658—First Bank of San Anselmo.

**San Bernardino—90.**

- 132—California State.
- 219—Farmers' Exchange National.
- 133—San Bernardino County Savings.
- 130—San Bernardino National.
- 131—Savings Bank of San Bernardino.

**San Diego—90.**

- 55—American National.
- 50—Bank of Commerce & Trust Co.
- 54—Blockman Commercial Savings.
- 56—Citizens' Savings.
- 49—First National.
- 59—Marine National.
- 53—Merchants' National.
- 52—San Diego Savings.
- 57—Southern Trust & Savings.
- 60—United States National.
- 58—University Avenue.

**San Dimas—90.**

- 659—First National.
- 699—San Dimas Savings.

**San Fernando—90.**

- 660—First National.
- 758—San Fernando National.

**San Francisco—11.**

- 24—American National.
- 17—Anglo & London Paris National.
- 73—Anglo-California Trust Co.
- 3—Bank of British North America.
- 1—Bank of California, National Association.
- 35—Bank of Italy.
- 76—Bank of Daniel Meyer, Inc.
- 27—Canadian Bank of Commerce.
- 72—Canton.
- 62—Columbus Savings & Loan Society.
- 21—Crocker National.
- 7—Donohoe-Kelly Banking Co.
- 71—First Federal Trust Co.
- 8—First National.
- 65—French-American Bank of Savings.

- 69—Fugazi Banca Popolare Operaria Italiana.
- 55—German Savings & Loan Society.
- 53—Hibernia Savings & Loan Society.
- 54—Hongkong & Shanghai Banking Corporation.
- 56—Humboldt Savings.
- 30—International Banking Corporation.
- 31—Italian-American.
- 60—Marine Trust and Savings.
- 26—Mercantile National.
- 64—Mercantile Trust Co. of San Francisco.
- 34—Merchants' National.
- 66—Mission.
- 70—Mission Savings.
- 59—Mutual Savings.
- 68—Portuguese-American.
- 52—Savings Union Bank & Trust Co.
- 57—Security Savings.
- 67—Seaboard National.
- 61—Union Trust Co.
- 16—Wells-Fargo Nevada National.
- 74—Western Metropolis Savings.
- 58—Yokohama Specie Bank, Ltd.

**Sanger—90.**

- 740—Commercial.
- 661—First National.

**San Jacinto—90.**

- 662—First National.
- 695—First Savings.

**San Jose—90.**

- 77—Bank of San Jose.
- 83—Bank of Italy.
- 78—First National.
- 82—Garden City Bank & Trust Co.
- 79—San Jose Safe Deposit Bank.
- 80—Security Savings.
- 81—Security State.

**San Leandro—90.**

- 325—Bank of San Leandro.
- 327—First National.
- 705—San Leandro State.

**San Luis Obispo—90.**

- 237—Andrews Banking Co.
- 236—Commercial.
- 238—Union National.

**San Mateo—90.**

- 284—Bank of Italy.
- 285—National Bank of San Mateo.

**San Miguel—90.**

770—Citizens'.

**San Pedro—90.**

207—Bank of San Pedro.

210—Citizens' Savings.

208—First National.

211—Harbor City Savings.

209—State Bank of San Pedro.

**San Rafael—90.**

215—Bank of San Rafael.

214—Marin County National.

216—Marin County Savings.

**Santa Ana—90.**

188—California National.

186—Farmers &amp; Merchants' National.

183—First National.

187—Home Savings.

184—Orange County Savings &amp; Trust Co.

185—Santa Ana Savings.

**Santa Barbara—90.**

159—Central.

157—Commercial.

155—First National.

156—Santa Barbara County National.

158—Santa Barbara Savings &amp; Loan.

**Santa Clara—90.**

287—Mission.

286—Santa Clara Valley.

**Santa Cruz—90.**

165—City Savings.

164—First National.

167—People's.

166—People's Savings.

162—Santa Cruz Bank of Savings &amp; Loans.

163—Santa Cruz County National.

**Santa Maria—90.**

396—Bank of Santa Maria.

398—First National.

397—Valley Savings.

**Santa Monica—90.**

191—Bank of Santa Monica.

192—Merchants' National.

—Merchants' Commercial &amp; Savings Bank of Ocean Park.

**Santa Paula—90.**

400—Farmers &amp; Merchants'.

399—First National.

401—Santa Paula Savings.

- Santa Rosa**—90.  
198—Exchange.  
195—Santa Rosa.  
197—Santa Rosa National.  
196—Savings Bank of Santa Rosa.  
199—Union Trust Savings.
- Saratoga**—90.  
—Saratoga State Bank.
- Saticoy**—90.  
715—Farmers & Merchants'.
- Sausalito**—90.  
663—Bank of Sausalito.
- Sawtelle**—90.  
402—Bank of Santa Monica.  
403—Citizens' State.
- Scotia**—90.  
664—First National.
- Sebastopol**—90.  
468—Analy Savings.  
469—First National.  
470—Sebastopol Savings.
- Selma**—90.  
774—Farmers' Savings.  
426—First National.  
427—Selma National.  
428—Selma Savings.
- Sherman**—90.  
665—Bank of Sherman.
- Sierra Madre**—90.  
666—First National.
- Soledad**—90.  
746—Salinas City.
- Solvang**—90.  
772—Santa Ynez Valley.
- Sonoma**—90.  
754—First National.  
667—Sonoma Valley.
- Sonora**—90.  
414—First National.  
413—Tuolumne County.
- South Berkeley**—See Berkeley.
- South Pasadena**—90.  
266—First National.  
265—South Pasadena Savings.

**South San Francisco—90.**

669—Bank of South San Francisco.

**Springville—90.**

785—Pioneer Bank.

**St. Helena—90.**

437—Bank of St. Helena.

438—Carver National.

439—Savings Bank of St. Helena.

**Stirling City—90.**

671—Stirling City Bank.

**Stockton—90.**

109—Commercial &amp; Savings.

107—Farmers &amp; Merchants'.

105—First National.

104—San Joaquin Valley.

106—Stockton Savings.

103—Stockton Savings and Loan Society.

108—Union Safe Deposit.

**Strathmore—90.**

—Pioneer Bank.

**Suisun—90.**

529—Bank of Suisun.

531—Solano County Savings.

530—First National.

**Sunnyvale—90.**

672—Bank of Sunnyvale.

**Susanville—90.**

673—Bank of Lassen County.

739—Lassen Industrial.

**Sutter Creek—90.**

674—Bank of Amador County.

**Taft—90.**

708—First National.

**Tehachapi—90.**

676—Bank of Tehachapi.

**Temecula—90.**

803—Citizens' Bank.

**Terra Bella—90.**

677—First National.

**Tomales—90.**

678—Bank of Tomales.

**Torrance—90.**

800—First National.

- Tracy—90.**  
468—Bank of Tracy.  
469—West Side.
- Tropico—90.**  
679—First National.
- Tulare—90.**  
354—First National.  
353—National Bank of Tulare.  
—Savings Bank of Tulare.
- Turlock—90.**  
445—Commercial.  
446—People's State.
- Tustin—90.**  
725—First National.
- Ukiah—90.**  
404—Bank of Ukiah.  
405—Commercial.  
406—Savings Bank of Mendocino County.
- Upland—90.**  
386—Citizens' Savings.  
384—Commercial National.  
385—First National.
- Vacaville—90.**  
473—Bank of Vacaville.  
474—First National.  
475—Vacaville Savings.
- Vallejo—90.**  
151—First National.  
152—First Savings.  
150—Vallejo Commercial.
- Valley Ford—90.**  
680—Dairyman's Bank.
- Van Nuys—90.**  
728—First National.
- Venice—90.**  
733—First National.  
766—Ocean Park.  
681—Venice Savings.
- Ventura—90.**  
344—First National.  
345—Home Savings.  
342—National Bank of Ventura.  
343—Ventura Savings.
- Visalia—90.**  
271—Citizens'.

- 269—First National.
- 267—National Bank of Visalia.
- 270—Producers' Savings.
- 268—Visalia Savings.

**Walnut Creek—90.**

- 760—First National.
- 682—San Ramon Valley.

**Walnut Grove—90.**

- 683—Bank of Alex Brown.

**Wasco—90.**

- 745—Bank of Wasco.

**Watsonville—90.**

- 280—Bank of Watsonville.
- 282—Pajaro Valley National.
- 281—Pajaro Valley Savings.
- 283—Watsonville Savings.

**Watts—90.**

- 684—Los Nietos Valley.

**Weaverville—90.**

- 685—Trinity County.

**Weed—90.**

- 686—First National.

**West Berkeley—See Berkeley.****Wheatland—90.**

- 688—Farmers'.

**Whittier—90.**

- 272—First National.
- 275—Home Savings.
- 273—Whittier National.
- 274—Whittier Savings.

**Williams—90.**

- 689—Bank of Williams.

**Willits—90.**

- 690—Bank of Willits.

**Willow—90.**

- 476—Bank of Willow.
- 477—First National.
- 478—Glenn County Savings.

**Wilmington—90.**

- 691—First National.

**Winters—90.**

- 503—Citizens'.
- 502—First National.
- 714—Savings Bank of Winters.



**Woodlake—90.**

777—First National.

**Woodland—90.**

328—Bank of Woodland.

330—Bank of Yolo.

332—First National.

331—Home Savings.

329—Yolo County Savings.

**Yreka—90.**

480—First Savings Bank of Siskiyou County.

479—Siskiyou County Bank.

**Yuba City—90.**

692—First National.

748—Savings Bank of Sutter County.

## CIVIL SERVICE.

(Constitutional Provision.)

When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; and provided further, that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section. (Article XX, section 16. Adopted October 10, 1911.)

## CIVIL SERVICE ACT.

[Approved June 16, 1913. In effect August 10, 1913.]

§ 1. **"Commission."**—First. The term "commission" as used in this act means the "state civil service commission" herein created, and the term "commissioner" as used in this act means one of the three members of that commission, all unless such terms are plainly used with some other meaning.

**"Position."**—Second. The terms "position" and "positions" as used in this act include all offices and employments under State authority, whether there be any salary or other compensation or emolument connected therewith, except offices held by elective officers as such and also except the militia and all offices and employments as now or here-

after provided by virtue of or under article 8 of the constitution of the State, and except county and township offices and employments.

**"Appointing Power."**—Third. The term "appointing power" as used in this act includes all persons whether acting singly or in conjunction with others in any way whatsoever, either by nomination or confirmation or as a board or commission or otherwise, in selecting anyone to hold any position as that term is so used in this act.

**"Appointment."**—Fourth. The term "appointment" as used in this act includes all means of selecting and employing anyone to hold any position as that term is so used in this act.

§ 2. **Civil Service Commission Created.**—There is hereby created a commission known as the "State civil service commission" which shall consist of three commissioners but which may continue to act after being fully constituted if there is not more than one vacancy in such commission. The commission shall be first constituted by three commissioners appointed for terms ending July 1, 1914, July 1, 1916, and July 1, 1917, respectively, and the succeeding terms shall each be for a period of four years. The governor shall appoint all commissioners including those who fill unexpired terms. Any commissioner may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house.

**Salary.**—The commissioners shall each receive a salary of three thousand dollars per annum, which shall be paid at the same time and in the same manner as the salaries of State officers are paid, and the commissioners shall also be paid necessary traveling expenses incurred in the performance of their duties. The total and items of all expenditures and obligations made, authorized and incurred by the commission shall not exceed the sums appropriated therefor by law.

§ 3. **Employees.**—The commission shall employ a chief examiner and secretary, which offices may be combined, and such other employees as it may deem necessary or proper to carry out the purposes of this act. Their compensation shall be fixed by the commission, and they may be paid necessary traveling expenses incurred in the discharge of their duties. The duties of the chief examiner, secretary and other employees shall be prescribed by the commission, subject to the provisions of this act. It shall be the duty of the secretary to keep the minutes of the meetings of the commission and perform such other services as may be assigned him by the commission. The commission may select suitable persons to assist in examinations under its direction. The compensation of such assistants shall not exceed five dollars per day, except in the case of special and expert examiners employed in the preparation of questions and rating of candidates; and when the persons so selected are in the official service of the State it shall be deemed a part of their official duty to serve as such assistants without additional compensation.

§ 4. **Headquarters.**—The commission is authorized to secure in the city of Sacramento suitable and convenient rooms and accommodations

and cause the same to be furnished, heated and lighted, for carrying on the work of the commission and the commission may order the necessary stationery, postage stamps, and official seal and other articles to be supplied and the necessary printing to be done for its official use.

§ 5. **Duties.**—The commission shall:

**Classify and Grade Positions.**—First. Classify positions to be held under State authority in accordance with the provisions of this act and in accordance with the duties attached to such positions. The commission shall grade all positions within each class with respect to salaries, to the end that like salaries shall be paid for like duties. Such classes and grades may from time to time be amended, added to, consolidated or abolished by the commission, but persons holding positions under the original classification or grade shall not be affected thereby.

**Hold Examinations.**—Second. Hold examinations to determine the merit, efficiency and fitness of applicants, for positions, and prepare properly classified eligible lists from applicants so examined. All questions for examinations shall be prepared under the supervision of the commission or chief examiner and delivered to the examining board or to the candidates by one of the commissioners or chief examiner or by an examiner specially designated to perform such service.

**Enforce Act.**—Third. Enforce the provisions of this act and prescribe, and enforce suitable rules and regulations for carrying the same into effect and from time to time amend and repeal the same.

**Minutes.**—Fourth. Keep minutes of its own proceedings, and records of its examinations and other official actions.

**Efficiency Records.**—Fifth. Records of individual efficiency of holders of positions in performing their duties shall be established in all offices and places of employment affected by this act. Such records shall be made by the appointing power, unless otherwise directed by the commission, and under and in accordance with such rules and regulations as the commission may prescribe, and a copy of such records shall be filed with the commission. The commission shall investigate all such efficiency records and may make its own records, and shall rate upon such records the item of "ascertained merit" in examinations for promotion. The commission shall establish and enforce rules and regulations under which records of unsatisfactory service may lead to reduction in grade and compensation of the person holding the position concerned, and shall further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the commission proceeding substantially as provided in this act and with the same effect as in case of removals by the appointing power.

**Make Investigations.**—Sixth. Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder; inspect all State institutions, offices, places of employment and services affected by this act, and ascertain whether this act and all such rules

and regulations are obeyed. Such investigation may be made by any commissioner, or chief examiner, or by any other authorized agent of the commission. In the course of such investigation any commissioner, or chief examiner or such other authorized agent of the commission, or the secretary of the commission, shall have power to administer oaths, subpoena and require the attendance in this State of witnesses and the production thereby of books, papers, documents and accounts appertaining to the investigation but not requiring the attendance of witnesses either with or without books, papers, documents or accounts unless residing within the same county or within thirty miles of the place of attendance.

**Rules Governing Hearings.**—Seventh. All hearings and investigations before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor any commissioner, nor the chief examiner nor such other authorized agent of the commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner, or the chief examiner or such other authorized agent of the commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission.

**Superior Court may Compel Witnesses to Attend.**—The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books, papers, documents and accounts, as required by any subpoena issued by the commission, or any commissioner, or such other authorized agent of the commission or the secretary. The commission, or the commissioner, or the chief examiner or such other authorized agent of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of such books, papers, documents or accounts, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce such books or papers or documents or accounts required by the subpoena, before the commission, or the commissioner, or the chief examiner, or such other authorized agent of the commission, in the matter named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce such books or papers or documents or

accounts before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission. The court, upon the petition of the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission, or such commissioner, or the chief examiner or such other authorized agent of the commission.

**Order Directing Witness to Appear.**—A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, or any commissioner, or the chief examiner or other authorized agent of the commission or the secretary, the court shall thereupon enter an order that said witness appear before the commission, or such commissioner, or the chief examiner or any other authorized agent of the commission at the time and place fixed in said order, and testify or produce the required books, papers, documents, and accounts, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission, or a commissioner, or the chief examiner, or any such other authorized agent of the commission to enforce the attendance of witnesses and the production of books, papers, documents and accounts.

**Depositions.**—The commission, or any commissioner, or the chief examiner or such other authorized agent of the commission may, in any investigation or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this State and to that end may compel the attendance of witnesses and the production of books, papers, documents and accounts.

**Witness not Excused from Testifying.**—No person shall be excused from testifying or from producing any book, paper, document or account in any investigation or inquiry by or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, when ordered to do so, upon the ground that the testimony or evidence, book, paper, document or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained

shall be construed as in any manner giving to any person immunity of any kind otherwise than herein expressly provided.

**Biennial Report.**—Eighth. Make a biennial report to the governor for transmission to the legislature, showing the action of the commission, including all the rules and regulations adopted by it during such period and those that are in force at the time of making such report, information as to exempted positions as required by this act and the effects of this act and of all proceedings under it and any suggestions the commission or any commissioner may deem practical for the more effectual accomplishment of the purposes of this act.

**Meetings.**—Ninth. Meet at Sacramento as often as the needs of the public service may require, and at such other places as the commission may designate. A majority of the members of the commission shall constitute a quorum.

§ 6. **Duty of State Officers to Aid in Carrying Act into Effect.**—It shall be the duty of all persons subject to the authority of the State in that behalf (including all State officers and employees and all State institutions of every kind and character) to aid in all proper ways in carrying into effect the provisions of this act and the rules and regulations prescribed from time to time thereunder and especially, at the request of the commission, to allow the commission the reasonable use of public buildings and to heat and light the same for the purposes of making examinations of applicants and investigations as provided by this act. Everyone subject to the authority of the State in that behalf shall afford to the commission and its members and employees all reasonable facilities and give inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices subject to the authority of the State in that behalf, and shall also produce said books, papers, documents and accounts, and shall attend and testify when required to do so by the commission or any commissioner, or the chief examiner, or the secretary or any other authorized agent of the commission. The attorney general shall advise and assist the commission and the district attorneys of the counties shall prosecute violations of this act. The commission may employ special counsel.

§ 7. **Appointments to be Under Act.**—The appointing power in all cases not excepted or exempted under the provisions of this act, or by virtue of the provisions of the constitution of the State, shall fill positions by appointment, including cases of transfers, reinstatements, promotions and reductions, in strict accordance with the provisions of this act and the rules and regulations prescribed from time to time hereunder, and not otherwise.

**Positions Excepted.**—Except only and to the extent that the appointing power otherwise requests as hereinafter provided, the positions held in the following specified classes are excepted from such method of appointment:

**First**—Appointees of the legislature and one person holding a position having a confidential relation, whether as secretary or clerk or stenographer to each such appointee.

**Second**—Appointees of the governor and one person holding a position having a confidential relation whether as secretary or clerk or stenographer to each such appointee.

**Third**—The chief deputy of and also one person holding a position having a confidential relation whether as secretary or clerk or stenographer to an elective office.

**Fourth**—The secretary or executive officer, or both, and also the attorney and one stenographer of any board or commission appointed by the legislature or governor or elected by the electors, and all stenographers in the superior and appellate courts.

**Fifth**—The assistant and deputies of the attorney general and all special attorneys for boards and officers.

**Sixth**—The members of the appointing board of and any chief in any legislative reference or counsel bureau and one person holding a confidential relation to each such chief.

**Seventh**—One warden for each of the State prisons.

**Eighth**—One superintendent for each of the State reformatories, State hospitals or other State charitable or correctional institutions; also the parole officers for the State prisons, Preston School of Industry and Whittier State School.

**Ninth**—Persons employed by the University of California and the State normal schools, and the teaching force of the elementary, secondary, trades and technical schools.

**Tenth**—Persons engaged in work done by co-operation between the State and federal governments.

**Eleventh**—The State librarian, the chief deputy or assistant State librarian and also one person holding a position having a confidential relation to the State librarian, and appointees under provisions for court, law, teachers, school and county libraries.

**Twelfth**—The secretary, chief accountant and children's agents of the State board of control.

**Thirteenth**—The employees of the State railroad commission.

**Fourteenth**—Superintendents, chiefs, and heads of departments.

All provided that at any time any vacancy in any position in any of the above specified fourteen excepted classes may be filled by the appointing power in the manner provided by this act, in which case the person appointed shall hold, during the tenure of office of said appointing power, such position under the tenure of good behavior and subject to the provisions of this act as if that position had not been so excepted, but upon such appointee ceasing to hold such position that position shall be open as in such excepted class. Upon such appointee ceasing to hold such office by reason of the termination of the tenure of office of said appointing power, said appointee shall be restored to place upon the eligible lists in accordance with such rules and regulations as the commission may prescribe in that behalf.

**Declaring Positions Exempt.**—Any position subject to the provisions of this act may be declared exempted by resolution passed by concurrence of the three commissioners. Such resolution shall state separately the reasons for each exemption: Not more than one appointment shall be made to or under any position, covered by such resolution unless permission to appoint a different number is given therein. Any exception thus made may be terminated at any time by resolution of the commission. Appointments to exempted positions shall be reported immediately to the commission. The names of each exempted position and the names of the incumbent and the reason for each exemption shall be stated in the biennial reports of the commission.

**§ 8. Rules for Classification of Positions.**—Within three months after the commission is constituted, it shall make rules for the classification of positions to be held under State authority to be provided by this act, and, subject to the provisions of this act; such rules shall govern appointments, transfers, reinstatements, promotions, reductions and removals, and examination of applicants, and the commission may amend such rules from time to time. Such rules shall be printed for public distribution.

**§ 9. Method of Making Appointments.**—Subject to the special provisions in this act as to laborers, appointments shall be made to all positions that are not filled by promotion, reinstatement, transfer or reduction, under the provisions of this act and the rules in pursuance thereof, by the appointing power: Said appointing power shall notify the commission of any vacancy to be filled, stating the duties of the position. The commission shall then certify to the appointing power the names and addresses of the three persons standing highest on the eligible list for the class or grade to which the position belongs; but in case there be less than three on such eligible list, the commission shall certify the number thereon; and the appointing power shall fill the position by the appointment of one of the persons certified by the commission therefor. The term of eligibility shall be fixed for each eligible list at not less than one year. Appointments shall be made from the eligible list most nearly appropriate for the position to be filled, and a new list shall be created for a stated position or a group of positions only when there is no appropriate list existing from which appointment may be made. No person shall be appointed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties of any other position than that which he legally holds, except by consent of the commission.

**Appointments for Probationary Period.**—All appointments shall be for a probationary period to be fixed by the commission but not to exceed six months. Unless such appointee shall have been dismissed within such probationary period by the appointing power, for reasons stated in writing and filed with the commission, his appointment shall become permanent subject to the provisions of this act as to removals, suspensions and changes. Discharged probationers may by unanimous



vote of the commission be restored to the list of eligibles for certification to any position within their class other than the one from which they were rejected.

**§ 10. Character of Examinations.**—The examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the positions they seek. Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be determined by such evidence and in such manner as the commission may direct; and such applicants may be submitted to such further tests as the commission may require.

**Preliminary Requirements.**—The commission shall prepare lists of preliminary requirements and subjects of examinations for the several positions, and shall publish its rules and regulations and such information and advertise such examinations in such manner as the nature of the examination may require. The commission, except as may be otherwise provided in the case of laborers, shall require an applicant to file in its office, in accordance with its rules and regulations, a reasonable length of time before the date of examination, a formal application filled out in his own handwriting.

**Application Blanks.**—Blank forms of such applications shall be furnished by said commission without charge to all persons requesting the same. The commission may require in connection with applications, including laborers, such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require.

**May Refuse to Examine.**—The commission may refuse to examine, or after examination to certify as eligible, anyone who is found to lack any of the established preliminary requirements for the examination or position for which he applies; or who is physically so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has intentionally made a false statement of any material facts, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility. Any person appointed to a position under the provisions of this act who has secured his place on the eligible list through fraud shall be removed by the commission from his position and shall not thereafter be eligible for examination for any position under the provisions of this act except by unanimous permission of the commission.

**May Require Bond.**—When the position to be filled involves fiduciary responsibility, the appointing power may require the appointee to fur-

nish a reasonable bond or other security, and shall notify the commission of the amount and necessary details thereof.

§ 11. **Temporary Appointments.**—When there is no eligible list from which a position may be filled, the appointing power may, with the consent of the commission, fill such position by temporary appointment, and such temporary appointment shall not continue for a longer period than three months, nor shall successive temporary appointments be made to the same position under this section without the previous consent of the commission, and in no case shall any person hold a position under such successive temporary appointments for a longer period than six months without the unanimous consent of the commission.

§ 12. **Emergency Appointments.**—The commission shall establish rules and regulations under which emergency appointments may be made when those on the eligible lists are not immediately available, and for the time for which such emergency appointments shall be valid; and may fix a different time for different counties or cities and counties of the State.

§ 13. **Promotions.**—Vacancies in positions shall be filled, so far as practicable by promotion from among persons holding positions in a lower grade of the department, office or institution in which the vacancy exists. Promotions shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his records of efficiency. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules and regulations in force hereunder beyond the limit fixed for the grade in which such office and position is classified, shall be deemed a promotion. The commissions may authorize the transfer of any person legally holding a position to a similar position in the same class or grade, and may provide for the reinstatement within one year of persons separated from positions without fault or delinquency on their part, if within that time there is need for their services. No promotion, transfer or reinstatement shall be made from a position in one class to a position in another class, nor shall a person be transferred to or reinstated in a position for original entrance to which there is required by this act or the rules and regulations thereunder an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person.

§ 14. **Tenure of Office.**—The tenure of everyone holding a position under the provisions of this act shall be during good behavior, but any such person may be removed for any of the following causes:

(a) Incompetency, or inefficiency.

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or of fellow employees, a violation of the provisions of this act or of the rules and regulations of the commission or any other failure of good behavior. The appointing power that could fill such positions under the provisions of this act if

vacant or the commission may remove, as hereinafter provided, for such cause.

**Written Charges—Public Hearing.**—The appointing power in so proceeding must furnish to the person holding such position written charges setting forth such ground for removal and file copy with the commission and allow the accused a reasonable time and opportunity to file with the commission and furnish to said appointing power written answer and explanation and thereafter said appointing power shall publicly hear and determine such charges after reasonable notice to the accused and the commission of the time and place of said hearing and affording the accused an opportunity at such hearing to present whatever competent evidence the accused may desire in defense. In case of charges presented by or to the commission, it shall proceed in like manner.

**Judgment not Subject to Review.**—A judgment of removal, in writing, setting forth the findings of said appointing power after such hearing and filed with the commission, shall be final and effect such removal and shall not be subject to review by any other tribunal, except that in case of proceedings against the same person before both the appointing power and the commission the judgment against the accused by either the appointing power or the commission shall control a judgment by the other in favor of the accused.

**Suspension.**—Such appointing power may from time to time peremptorily suspend, with loss of salary or other compensation during such suspension, such person for such cause, and without trial, but only upon written charges so furnished to such person and filed with the commission and with the privilege to such person to so furnish to the appointing power and file with the commission written answer and explanation, but such suspension or total suspensions by that appointing power of that person shall not exceed thirty days. Either the appointing power or the commission may transfer charges to the other for action or investigation.

**§ 15. Employment of Laborers.**—The commission shall provide by rule for the employment of laborers in the labor class in the order of priority of application for employment. There shall be separate lists of applicants for different kinds of labor, and the commission may provide separate labor registration lists for departments, institutions, districts or localities. The commission may require an applicant for registration to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience. The commission shall establish such time as it may deem expedient for the duration of eligible lists in the labor class.

**§ 16. Reports of Appointees, etc.**—It shall be the duty of each appointing power to report to the commission forthwith upon each appointment the name of the appointee, the title or character of the position, the date of the commencement of such service, and the salary

or compensation therefor, and to report from time to time, and upon the date of official action in, or knowledge of each case; any separation of the person from the position, or other changes, and such other information as the commission may require in order to keep the roster hereinafter mentioned.

**Official Roster.**—The commission shall keep in its office an official roster of all persons holding positions under the provisions of this act and shall enter thereon the name of each and every person who has been appointed to, promoted, reduced, transformed, reinstated or removed from or left any position and require such evidence as it may deem satisfactory as to whether such person was appointed to, promoted, reduced, transferred, reinstated or removed from such position in accordance with the provisions of this act and the rules and regulations of the commission thereunder and as to when and why and how such person was otherwise separated from such position. The official roster shall show opposite, or in connection with, each name, the date of appointment, promotion, reduction, transfer or reinstatement, the compensation of the position, the date of commencement of service and change in or separation from position and when and why and how there was such change or separation.

**Names of Persons now Holding Positions to be Certified to Commission.**—The names of all persons holding positions at the time of the taking effect of this act which if vacant would be filled under the provisions of this act shall be certified to the commission by the appointing power that could then so fill such position if vacant, and such names shall be entered in said roster, and thereupon shall be deemed appointed under the provisions of this act and persons then holding such positions who have served in such positions a less period than one year and more than sixty days from the date of the classification of such positions as required by this act shall be deemed to be serving the probationary period, and persons who have served in such positions for less than such sixty days shall be deemed temporary appointees.

**§ 17. Commission to Certify to Pay-rolls Before Controller Issues Warrant.**—It shall be unlawful for the controller or other fiscal officer of the State to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the State for the payment of, or for the treasurer or other disbursing officer to pay any salary or compensation to anyone holding any position under the provisions of this act unless the estimate, pay-roll or account for such salary or compensation, containing the name of the person to be paid, shall bear the certificate of the commission that the persons named in such estimate, pay-roll or account are holding positions as provided by this act and the rules and regulations prescribed thereunder. Any sums paid contrary to the provisions of this section may be recovered from anyone making such appointment in violation of the provisions of this act and of the rules and regulations prescribed thereunder or from any officer signing, or countersigning, or authoriz-

ing the signing or countersigning of any warrant for the payment of the same, and from the sureties on his official bond in an action in any court of competent jurisdiction of this State maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of such action has paid, a tax therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the State, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action.

**§ 18. Penalty for False Marking, Grading, etc., of Persons Examined.**—Any commissioner or examiner, or any person who shall willfully by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination or registration, according to any rules or regulations prescribed pursuant to the provisions of this act, or who shall willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified, pursuant to the provisions of this act, or aid in so doing, or who shall willfully make any false representation concerning the same, or concerning the person examined, or who shall willfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered, shall be deemed guilty of misdemeanor.

**§ 19. Soliciting from Persons on Eligible List Prohibited.**—No officer, agent, clerk, or employee under the government of the State shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever, from anyone on the eligible lists or holding any position under the provisions of this act.

**Political Assessment, Subscription or Contribution.**—Every officer, agent, clerk or employee under the government of the State who may have charge or control in any building, office, or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same, for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution, and no person shall enter, or remain in any said building, office or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution contrary to the provisions of this section.

§ 20. **Promise of Advancement for Political Influence Prohibited.**—No one, while holding any public office, or in nomination for, or while seeking a nomination or appointment for, any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any position under the provisions of this act, either in nomination, confirmation, promotion, or increase in salary, or as to any change in any such position, upon a consideration or condition that the vote or political influence or action of the last-named person, or any other, shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt condition or consideration. And no one, being a public officer, or in nomination for, or while seeking nomination or appointment for any public office or having or claiming to have any authority or influence (whether then possessed or merely anticipated) for the securing or holding of or as to affecting any position under the provisions of this act, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any person on the eligible lists or holding any position under the provisions of this act.

§ 21. **No Salary to Persons Appointed in Violation of Act.**—No salary, compensation or other emolument shall be paid to anyone appointed to or retained in any position in violation of this act. Any officer approving or paying such salary shall be liable for such sum on his official bond. Whenever the commission shall notify the auditing officer that any position has been filled in violation of this act or any of the rules and regulations thereunder, no demand for the salary or compensation or other emolument of such position shall be approved or paid except upon the order of a court of competent jurisdiction.

§ 22. **Appointing Power must Pay Persons Accepting Appointment in Good Faith.**—Any person acting in good faith in accepting appointment or employment contrary to the provisions of this act or of the rules and regulations prescribed thereunder, shall be paid by the appointing power the compensation promised by or on behalf of the appointing power or in case no compensation is so promised then the actual value of any service rendered, and the expense incurred in good faith under such attempted appointment or employment, and shall have a cause of action against the appointing power for such sum or sums and for the costs of action. No public officer shall be reimbursed by the State or any of its instrumentalities for any sum so paid or recovered in such action.

§ 23. **Political and Religious Recommendation.**—No recommendation or question or inquiry under the authority of this act shall relate to the political or religious opinions or affiliations of any person, and no appointment or change in or removal from any position under the provisions of this act shall be in any manner affected or influenced by such opinions or affiliations.

§ 24. **Witness Fees.**—Witnesses and officers to subpoena and secure the attendance of witnesses before the commission, or any commissioner, or the chief examiner or other authorized agent of the commission, shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. Such fees need not be prepaid, but the controller shall draw his warrant for the payment of the amount thereof when the same shall have been certified to by the commission and duly proved by affidavit or otherwise to the satisfaction of the controller.

§ 25. **Penalty.**—Any person willfully violating any of the provisions of this act shall be guilty of a misdemeanor.

§ 26. **Repealing Clause.**—All acts and parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent with the provisions of this act.

§ 27. **Appropriation.**—There is hereby appropriated the sum of fifty thousand dollars for carrying into effect the provisions of this act, and for defraying the expenses of the commission during the biennial term of 1913-1914.

## GENERAL RULES OF THE STATE CIVIL SERVICE COMMISSION.

### RULE 1. APPLICANTS.

§ 1. **Qualifications.**—Applicants must be citizens of the United States, actual residents of California and at least twenty-one years of age, except in the case of messengers, who must be at least sixteen years of age, and clerks and stenographers, who must be at least eighteen years of age.

§ 2. **Character and Fitness.**—Every applicant must be of good character, of temperate habits, and in all respects physically competent to perform the duties of the position applied for.

### RULE 2. APPLICATIONS.

§ 1. All applications must be made upon official blanks furnished by the Commission and filled out as therein directed. Separate applications shall be made for—

- (a) Positions as laborers;
- (b) Positions in the trades and other skilled occupations;
- (c) Positions requiring clerical, professional or scientific qualifications.

§ 2. **Applicants to Present Credentials.**—Wherever written examinations are required, each applicant whose applications have been approved shall be notified through the postoffice of the time and place of the examination, and such notice shall be the credential of the applicant to take the examination.

§ 3. **Labor Applications.**—Applicants for laborers' positions must not be over sixty years of age. Laborers shall be appointed according to priority of application, but all such applicants shall be examined as to age, residence, physical condition and experience, and must be found to be in good physical condition and with the capacity to perform hard manual labor.

Separate lists of applicants shall be made for laborers for Sacramento, San Francisco, and Los Angeles. The names of those laborers on the list for Sacramento shall be drafted for positions nearest Sacramento; names of those laborers on the list for San Francisco shall be drafted for positions nearest San Francisco; and the names of those laborers on the list for Los Angeles shall be drafted for positions nearest Los Angeles. When any of these lists become exhausted, names can be certified from the other lists.

All applications for laborers' positions must be on forms furnished by the Commission and shall take precedence according to their receipt in the office of the Commission at Sacramento; each application being given a serial number in the order of its receipt by the Commission.

### **RULE 3. APPLICATIONS NOT TO BE RETURNED.**

Applications and accompanying vouchers not returned for correction shall remain on file in the office of the Commission and in no circumstance will be returned to applicants.

### **RULE 4. EXAMINATIONS.**

§ 1. **Examinations to be Free.**—All examinations shall be conducted under the supervision of the Commission without any cost or expense to any applicant, except for a medical certificate or examination when required.

§ 2. **Questions Placed Under Seal After Approval.**—All examination questions shall be first approved by the Commission. The examination questions after approval shall be securely sealed with the official seal of the Civil Service Commission. The seal shall not be broken until the beginning of the examination and then only in the presence of all the candidates at the examination and the authorized agent of the Civil Service Commission.

§ 3. **Explanations.**—All necessary explanations will be made to the whole class. No question will be explained to any individual candidate. Examiners are forbidden to explain the meaning of, or to make remarks relating to, any question that may assist in its solution.

§ 4. **Conversation During Examinations.**—Communication between candidates during examination is strictly forbidden.

§ 5. **Leaving the Examination-room.**—During an examination no candidate will be permitted to leave the room, except in case of extreme necessity, and then only with a representative of the Commission. A luncheon recess may be allowed, however, at the direction of the Commission.



§ 6. **Limit of Time.**—The limit of time prescribed for such examination will be stated before the examination and shall begin to run when announcement is made by the examiner in charge.

§ 7. **Helps.**—Candidates are forbidden to receive aid from a fellow candidate or to use helps in any form. Before the commencement of an examination candidates will be required to hand to the examiner any printed or written matter in their possession that might serve to aid them in the examination. Evidence of copying or collusion may result in the cancellation of examination papers and the debarment of the candidate from future examinations. Copies of the questions in the examination may not be made or taken from the examination-room.

§ 8. **Rating of Examinations.**—All examinations shall be rated on a scale of 100, and the relative weights of the different subjects, including experience, shall be determined by the Commission at the time of the announcement of the examination.

§ 9. **Rating of Examination Papers.**—Where written examinations are required they shall be so managed that no examination papers will disclose the name or identity of any applicant until all the examination papers shall have been marked.

So far as practicable, questions on different subjects of examination shall be answered on separate sheets and all the answers on a given subject shall be rated by the same examiner. Where the number of examiners will permit, the answers shall be redistributed by subjects for review by other examiners after being rated in the first instance.

Each candidate must write his name and address upon a declaration sheet which must have printed upon it a serial number, to be known as his examination number.

The candidate shall mark upon each examination sheet his examination number only. When the examination papers have been rated the declaration sheet shall be unsealed and the examination papers assigned to the proper name of the person who wrote them.

§ 10. **Identification Marks.**—Any candidate in any examination who places an identification mark upon his examination papers, other than his serial number, may be deprived of all benefits under such examination.

The following are marks of identification within the meaning of this rule: Name or address of the candidate; any assumed or fictitious name or address; any initials, lines or other characters that might indicate the identity of the candidate.

§ 11. **Marking and Grading of Papers—Relative Weights, and Method of Determining Average Percentage.**—The relative weight of each subject shall be fixed and announced by the Commission and all examination papers shall be marked and graded under the regulations of the Commission. When during the marking and grading of the papers it becomes apparent that a candidate, whose papers have been partially marked, would receive a general average percentage less than the minimum percentage for eligibility fixed by the Commission, or if the candidate receives less than the minimum percentage required by the Commission on a given subject, then such candidate shall be

considered as having failed and the marking of his papers need not be completed.

The different subjects in each examination are given relative weights according to their importance. Those weights represent the value of each subject in the whole examination. The method of obtaining the average percentage of the examination is as follows: Multiply the rating obtained in each subject by the relative weight of that subject, add the products, and divide the sum of the products by the sum of the relative weights. The quotient thus obtained will be the average percentage for that examination.

§ 12. **Minimum Standing.**—Candidates shall be required to obtain a general average of not less than 70% in order to pass an examination.

§ 13. **Notice of Result of Examinations.**—As soon as the marking and grading of the papers shall have been completed and the eligible registers established, each candidate shall be notified through the post-office of his general average percentage and relative standing obtained upon examination.

Where the marking of the examination papers has not been completed because the candidate has failed in any given subject, he shall be notified of that fact.

#### **RULE 5. ELIGIBLE REGISTERS.**

§ 1. Successful candidates shall be enrolled upon the register of eligibles in the order of their general average percentage upon examination without regard to priority of application or examination, except that two or more candidates receiving the same percentage shall be enrolled according to priority of application.

§ 2. Successful candidates may be enrolled upon two or more eligible registers at the same time.

#### **RULE 6. CERTIFICATIONS.**

§ 1. **Vacancies.**—Whenever a vacancy is to be filled the appointing power shall notify the Commission of that fact, stating the duties of the position.

§ 2. **Three Names to be Certified.**—The Commission shall then certify to the appointing power the names and addresses of three persons who stand highest on the eligible list for the class or grade to which the position belongs. In case there are less than three upon such eligible list, the Commission shall certify the number thereof and the appointing power shall fill the position by the appointment of one of the persons certified by the Commission.

If an appointing power have at the same time more than one vacancy in the same class and grade to be filled, the Commission shall certify in the manner previously set forth as many names as there are vacancies and two names in addition to the total number of such vacancies if there be that number of names on the register.

The appointing power shall fill the first vacancy by the selection of one of the highest three eligibles so certified. The second and any

succeeding vacancy shall be filled in like manner by selection in turn from the highest three remaining names.

If, in any case indicated, there be no additional name or names on the register, or if the number of names which can be certified or which are finally available for appointment be less than the number specified in this rule but at least equal to the number of vacancies to be filled, then the required selection shall be made from the names certified and available.

**§ 3. Next in Rank After Waiver.**—Whenever an eligible has been certified to the appointing power, and such eligible waives appointment, the Secretary shall forthwith notify the appointing power of such waiver and certify the next highest eligible, whereupon said next highest eligible shall have the same standing as though originally certified.

**§ 4. New Positions.**—Whenever a new position is created, the appointing power who may fill such position shall immediately make requisition upon the Civil Service Commission for an eligible to fill the position, and shall at the same time furnish the Civil Service Commission with a detailed statement of the duties attached to said position. It shall then be the duty of the Civil Service Commission to classify said position and to certify eligibles in accordance with the provisions of section 2 of this Rule.

**§ 5. Examination Papers to be Forwarded With Certification.**—Upon certifying eligibles to any appointing power to fill a vacancy, the examination papers of the eligibles shall be transmitted with the notice of certification if required by the appointing power. Within ten days thereafter all examination papers must be returned to the Commission by the appointing power.

#### **RULE 7. FAILURE TO RESPOND.**

**§ 1.** Any eligible who fails to respond within a reasonable time after notice has been sent him to report for duty will be stricken from the eligible register, unless, within thirty days from the date of the notice sent him, he presents reasons satisfactory to the Commission for his failure to report.

When the eligible resides in the city from which the notice has been sent, three days shall be deemed a reasonable time in which to respond. When the eligible resides in some other city or county, the time consumed in transmission of the letter to his place of residence and return shall be added to the three days.

**§ 2.** Any eligible who fails to respond within a reasonable time after any notice sent him by the Commission requiring an answer will be stricken from the eligible register, but may be restored if at any time during the period of his eligibility he presents reasons satisfactory to the Commission for his failure to respond.

#### **RULE 8. DECLINATION AND WAIVER OF CERTIFICATION.**

**§ 1.** An eligible may at any time have his name temporarily withdrawn from the eligible register upon giving reasons in writing satis-

factory to the Commission, and may be restored thereto at the discretion of the Commission upon making application in writing during the period of his eligibility.

§ 2. An eligible may, when his name is reached for appointment to a temporary position, waive certification without losing his position upon the eligible register. A temporary position is one that will last for less than six months.

§ 3. Whenever an eligible has indicated in his application for appointment the locality or institutions in which he will accept employment, he may decline certification to positions in other localities or institutions, without losing his position upon the eligible register.

An eligible may decline appointment after certification without losing his position upon the eligible register for any reason satisfactory to the Civil Service Commission.

In the event of an absolute refusal of a permanent position by an eligible for reasons that are not satisfactory to the Civil Service Commission, his place upon the eligible register shall be declared vacant and his name shall be removed therefrom. The Commission may in its discretion, however, restore his name to the eligible register for the remaining period of his eligibility upon his written application therefor.

#### **RULE 9. APPOINTMENTS.**

§ 1. **Probationer.**—A probationer is one in office more than sixty days previous to classification by the Civil Service Commission, November 14, 1913, and also less than a year previous to August 15, 1913; or one who having been certified and appointed after examination has been employed less than six months.

The probationary period for any appointment is hereby fixed at six months.

§ 2. **Permanent Appointments.**—A permanent appointee is one who was in office August 15, 1913, and who had been employed for more than one year previous to that date, or one who, having been a probationer, has served more than the required probationary period of six months.

§ 3. **Temporary Appointments.**—A temporary appointee is one who has been appointed to office after August 15, 1913, without examination, and with the previous consent of the Commission.

Whenever a position is to be filled, the appointing power must make application in writing to the Civil Service Commission to fill the same by the certification of three eligibles in accordance with section 12 of the Civil Service Act.

When there are no eligibles from which to fill the position, the Civil Service Commission may authorize the appointing power to fill such positions by temporary appointment at least not exceeding ninety days from the date of appointment. Until such permission has been given, no authority exists in the appointing power to make a temporary appointment.

Pending the holding of examinations for the various positions in the State Civil Service, it will be necessary for positions to be filled by

temporary appointment. All contemplated appointments for at least three months should be included in the request for certification of eligibles to the appointing power. The Civil Service Commission will then pass on the applications and notify the appointing power in writing of the certification of eligibles, or of its permission to make temporary appointments. If the permission is granted, then, and not until then, the appointing power may make legal appointments.

Upon making the appointment it will be incumbent upon the appointing power to notify the Commission, naming the appointee, the title and character of the position, the date of commencement of service, and salary or compensation thereof, as required by section 16 of the Civil Service Act.

**§ 4. Emergency Appointments.**—Emergency appointments are those made notwithstanding there may be an eligible list, for the reason that eligibles are not immediately available. In certain departments of the State men are employed and discharged almost daily, but they are at such great distance from the heads of their departments that in some cases word cannot be got either to or from them for several days. In order to prevent the stoppage of public business when the necessity of making short-time appointments exists, permission is hereby granted to the appointing power in any department of the State Civil Service to make emergency appointments for not more than fifteen days. The name of the appointee, the duties, the position, the nature of the emergency and the further data required by section 16, of the Civil Service Act must be mailed to the State Service Commission.

Where the appointing power is sufficiently near Sacramento to make application for a temporary appointment with the previous consent of the Commission, a resort to emergency appointments will be deemed an abuse of the privilege of this rule.

Emergency appointments may not be continuous.

#### **RULE 10. REPORT OF APPOINTMENT.**

Whenever the names of three eligibles have been certified to the appointing power to fill a vacancy, it shall be the duty of the appointing power to make the appointment forthwith. It shall also be the duty of the appointing power to make immediate report to the Commission of the fact of appointment.

#### **RULE 11. EFFICIENCY RECORDS.**

In all offices and places of employment subject to the Civil Service Act, the appointing power shall make records of the individual efficiency of holders of positions in performing their duties, and shall file such records monthly with the Civil Service Commission on or before the fifth day of the month for the calendar month preceding.

The efficiency records shall be rated upon:

- 1st. Quality—meaning the ability of an employee to perform the task to which he or she is assigned, and the degree of excellence attained in its performance.

When temperamental qualities determine the usefulness of employees, as in the case of teachers in a reform school, or nurses in an institution, "temperamental aptitude" shall be rated under "quality."

2d. Quantity—meaning amount of work done.

3d. Discipline—including treatment of the public, treatment of fellow employees, sobriety, and obedience to rules.

4th. Attendance—including absence and punctuality.

Quality, quantity, and discipline shall be rated on a percentage basis.

The grading shall be as follows:

For excellent or exceptional work ..... 90—100

For good or thoroughly satisfactory work..... 80— 90

For fair or not wholly satisfactory work..... 70— 80

For poor or unsatisfactory work..... 70 and below

Eighty-five (85%) per cent is arbitrarily taken by the Civil Service Commission as the marking for an average employee doing thoroughly satisfactory work.

The records for attendance shall be a statement of the number of times tardy, the number of days or parts of days absent.

Where markings above 90 or below 70 are reported, an explanation should accompany, stating briefly the reason therefor. The Civil Service Commission retains the right to investigate such ratings before entering it upon its records.

If the net efficiency of any employee falls below 70 for any one month, the Secretary of the Commission may file a charge for inefficiency against such employee with the Civil Service Commission. If such charge is filed, it shall be the duty of the Civil Service Commission to try the said employee for inefficiency. If, after such trial, it shall find the rating to be just, the Civil Service Commission shall enter judgment, removing the said employee from the Civil Service of the State of California, and his name shall be stricken from the list of eligibles.

In case the net efficiency of any employee shall fall below 80 continuously for three months, the Commission may reduce the salary or grade of such employee.

The efficiency records of any office or department shall be made upon a letter-size form, at the left of which shall be a column for the names of the employees in the said office or department arranged alphabetically. In the first column to the right of the names shall be written the name of the position; in the second column the salary paid; in the third column shall be rated the attendance, and it shall be in a double subcolumn, in the first subcolumn of which shall be recorded the number of times tardy, and in the second subcolumn shall be recorded the number of days absent; in the fourth column shall be rated discipline; in the fifth column shall be rated quality of work; in the sixth column shall be rated the quantity of work; and three and one-half inch columns shall be left at the extreme right for the use of the Civil Service Commission.

The appointing power shall require the immediate supervisor of the persons whose efficiency records are being made up to certify to the appointing power, the record for the quantity and quality of work, discipline and attendance.

From the record thus transmitted to the appointing power or its authorized agent by the said immediate supervisor, the appointing power or its authorized agent shall cause to be made the entries in the efficiency records to be submitted to the Civil Service Commission. A copy of said record shall be kept in the office of the appointing power.

#### **RULE 12. LEAVE OF ABSENCE.**

Upon application to the Civil Service Commission, a civil service appointee may be granted a leave of absence for a period of more than one month and not to exceed six months without prejudice to his status, provided such application shall have first been approved by the appointing power in the department in which the applicant is employed. The appointing power may grant a leave of absence to a civil service employee for thirty days or less without first securing the approval of the Civil Service Commission.

#### **RULE 13. ABSENCE WITHOUT LEAVE.**

§ 1. Absence from duty without leave for any time will be considered good cause for dismissal.

§ 2. Absence from duty without leave for ten consecutive days shall be deemed a resignation from the service by the absentee, and upon the report of such absence by the appointing power to the Civil Service Commission the absentee shall be removed from the service of the State and the fact of removal shall be entered in the official roster; provided, that if at any time within thirty days the person so absenting himself shall make satisfactory explanation to the Civil Service Commission of the cause of his absence, he shall be restored to his position.

#### **RULE 14. REDUCTION IN FORCE.**

Whenever for lack of work, or funds, or for purposes of retrenchment, or other causes, it becomes necessary to reduce the number of employees in a given class, the employees in that class shall be laid off according to their records of efficiency as established under the Rules and Regulations of the Civil Service Commission, the least efficient to be laid off first.

Any employee who has been laid off and has received not less than eighty per cent on his efficiency record shall be restored to the eligible register according to his original examination; or, in case the employee was a permanent employee or a probationer on November 14, 1913, then his eligibility shall be rated according to the length of employment, the oldest employees in point of service being rated highest. The period of eligibility, in all cases, shall begin to run from the date of restoration to the eligible register.

If no efficiency records have been required at the time of the reduction in force, lay-offs may be made in the discretion of the appointing

power, provided that permanent employees shall not be laid off while work is being performed by probationers or temporary employees of a character for which the permanent employee is fitted.

If efficiency records have been required and the employee has received less than eighty per cent therein, he shall not be restored to the eligibility register.

Preference shall always be given to the oldest employees in length of service in recertification after lay-offs.

#### **RULE 15. TRANSFER.**

Transfers, as provided by section 13 of the Civil Service Act, may be made by the appointing power only with the previous consent of the Civil Service Commission.

Persons holding positions in the service of the State on August 15, 1913, who are under the protection of the Civil Service Law, may be assigned to any other positions which they are capable of filling, provided such transfer shall be recommended by the appointing power and approved by the Civil Service Commission. Eligibles appointed after examination to fill a position in a given class may not be transferred to positions in another class.

#### **RULE 16. REINSTATEMENT.**

Any person may within one year be reinstated to any position from which he has been separated without fault or delinquency on his part upon petition to and favorable action by the Civil Service Commission.

#### **RULE 17. PROMOTION.**

§ 1. **Method of Promotion.**—Vacancies in positions, unless filled by reinstatement or transfer, shall be filled as far as practicable by promotion from among persons holding positions in the next lower grade of the department, office or institution in which the vacancy exists. An increase of salary beyond the grade of the position occupied shall be deemed a promotion.

Promotion shall be based upon merit determined by competitive examination and by the superior qualifications of the person promoted, as shown by his record of efficiency. Applicants for promotional examination shall register in the office of the Commission at least three days before the date fixed for the examination.

The recommendation of the appointing power, with reasons for the recommendation, shall be a factor in all promotional examinations, and shall be given a rating to be determined by the Commission upon the announcement of the examination.

Whenever a vacancy is to be filled by promotion, and the number of applicants in the next lower grade who present themselves for examination are so few that in the judgment of the Commission the good of the public service requires that such promotion shall be open to all employees in the lower grade of that class, it shall so declare and notify all employees in such lower grades that such examination will



be held and of their eligibility, and shall proceed to hold an original competitive examination to such positions.

### **RULE 18. TRIALS AND DISMISSALS.**

§ 1. Charges under section 14 of the Civil Service Act may be made by the appointing power or its representative, the Civil Service Commission or its representative, or any citizens.

Such charges shall be tried either by the appointing power of the Civil Service Commission, and shall be instituted by serving upon the defendant a written complaint setting forth the grounds for removal with such particularity as shall enable the defendant to understand clearly the charges made against him, and filing with the Civil Service Commission a copy thereof.

Within ten days after service upon him of the complaint, the defendant shall file with the Commission and furnish to the prosecutor a written answer thereto.

The appointing power, in case the charges are to be heard by it, shall then notify the defendant and the Civil Service Commission of the time and place of hearing of said charges, and in case the Civil Service Commission shall hear said charges, it shall notify the defendant and the prosecutor of the time and place of hearing said charges.

The time of hearing shall not be less than five nor more than ten days from the service upon the prosecutor of the answer of the defendant.

The defendant at such hearing shall have opportunity to present whatever competent evidence he may desire in his own defense and shall have the right to be represented by counsel. Failure to file an answer within the time allowed shall be construed as an admission of the truth of the charges by the defendant, and judgment of removal shall be entered forthwith and filed with or by the Commission.

Either the appointing power or the Commission may transfer charges to the other for action or investigation.

§ 2. The hearing of charges may be by the Commission, any Commissioner, chief examiner or any other agent of the Commission as it may direct, or the appointing power.

§ 3. Any Civil Service appointee dismissed from employment after trial shall be removed forthwith from all eligible lists and shall not be eligible for examination thereafter without the consent of the Commission. Any eligible or appointee convicted of a felony shall be dismissed from the service of the State and shall have his name stricken from all eligible registers.

### **RULE 19. REGULAR AND SPECIAL MEETINGS.**

Regular meetings shall be held on the first Tuesday of every month in the office of the Commission at the State Capitol, Sacramento, at 9 o'clock A. M.

Special meetings may be called at any time by the President or by a majority of the Commissioners, provided forty-eight hours' notice

of such special meeting be given to all members of the Commission. A notice of each special meeting shall state the business for which said meeting is called, but any other business may be transacted at such meeting. Ordinary parliamentary rules shall govern the deliberations of the Civil Service Commission.

#### **RULE 20. PUBLIC INSPECTION.**

All the books, records, answers and papers pertaining to examinations or other proceeding shall be open to the inspection of any citizen.

#### **RULE 21. AMENDMENTS TO RULES.**

The rules of the Civil Service Commission may be amended at any meeting.

### **GENERAL INSTRUCTIONS FOR THE FORMATION OF NEW BUILDING AND LOAN ASSOCIATIONS.**

**Plan of Formation.**—Associations may be formed on either of the three following plans:—

*First.*—Mutual associations in the old form with withdrawable stock, both installment and full paid.

*Second.*—Mutual associations under section 648a of the Civil Code with withdrawable membership shares, both installment and full paid, having a paid-up or ultimate matured installment value of \$100 or \$200 per share, with all the rights, powers and privileges, and subject to all the restrictions and liabilities provided for shares of authorized capital stock of similar classes.

*Third.*—Associations with a guarantee capital, and also authorized to issue membership shares or certificates, both installment and full paid, as provided for in section 648a of the Civil Code.

**Articles of Incorporation.**—The ordinary forms of articles of incorporation may be used, but the second, sixth and seventh subdivisions of the articles must be practically in the following forms, depending upon the plan of organization.

**Statement of Purposes.**—The purposes for which formed, irrespective of the style of incorporation, should conform to the following as regards the "second" subdivision:

"Second: The purposes for which it is formed are: To encourage industry, frugality, home-building and savings among its shareholders, members and others; the accumulation of savings; the loaning to its shareholders, members and others of the money or funds so accumulated, with the profits and earnings thereon, and the repayment to each of his savings and profits whenever they have accumulated to the full par value of the shares or certificates, or at any time when he shall desire the same or when the corporation shall desire to repay the same, in the manner provided by law or as may be provided in the by-laws; and it is also formed for all the purposes and with all the

powers, rights and privileges specified in sections 633 to 648a, inclusive, of Title XVI, Part IV, Division I of the Civil Code of the State of California."

**Capital.**—If formed with a *guarantee capital*, the sixth subdivision is:

"Sixth: That the amount of the capital stock of said corporation is ..... thousand (.....) dollars, and the number of shares into which it is divided is ..... (.....), of the par value of one hundred (100) dollars each, all of which, when issued, shall be set apart as a fixed, permanent and guarantee capital."

**Mutual Plan.**—If formed on the mutual plan *without capital stock* of any kind, then the sixth subdivision should read as follows:

"Sixth: That this corporation is formed *without capital stock*, and the working capital shall be accumulated by the issue of membership shares, units or certificates having a paid-up or ultimate matured installment value of \$100 each, and entitled to all the rights, powers and privileges, and subject to all the restrictions and liabilities provided in Title XVI, Part IV, Division I of the Civil Code, for shares of authorized capital stock of similar classes."

If formed in this manner the "seventh" subdivision should read in part as follows:

"Seventh: That the number of said membership shares which have actually been subscribed is ....., and that the ultimate matured value of said membership shares as subscribed is ..... dollars, and the following are the names of the persons by whom the same have been subscribed, to wit:"

**Name.**—Before preparing the articles of incorporation, the name selected should be submitted to the Secretary of State with the request that he advise if such name is available. The words "savings," "trust" or "trustee" must not be used as a part of any name selected.

**Approval of Articles.**—After the articles of incorporation are prepared and before being executed a copy must be submitted to this office for approval.

**Approval of By-laws.**—After the articles of incorporation have been executed and filed and the certificate of incorporation received from the Secretary of State, the board of directors named should proceed to organize for business and arrange for the adoption of a code of by-laws for the government of the association. Such by-laws, after being prepared, must be submitted to this office for approval and only such that are approved by this office can be adopted.

**Application for License.**—The by-laws being adopted, a copy of the articles of incorporation certified by the secretary as being correct, and a copy of the by-laws as adopted, certified in the same manner, *must* accompany the application to this office for a license. With that application there *must* be filed with this office a list of the subscribers to the capital stock or to the shares, giving the names and the amount subscribed by each.

**Paid-in Capital.**—If formed with a guarantee capital, the amount of such capital authorized should not be less than \$10,000, and the amount of such actually paid in should not be less than fifty per cent or \$5,000.

**Subscription to Mutual Shares.**—If formed on the mutual plan, either with shares of capital stock, withdrawable, or with membership shares, the amount of such subscriptions must show a *bona fide* subscription of not less than five hundred installment shares with a monthly payment thereon of not less than fifty cents, thereby insuring at least a monthly income from that source of not less than \$250.

**Issuance of License—Fees.**—These conditions being complied with and being found satisfactory, a license will be issued for the current calendar year, the minimum payment for which for the full year or for ten months or more will be \$10. For an unexpired portion of a year less than ten months, the payment required by law is \$1 per month for the unexpired portion, payable in advance.

## INDUSTRIAL ACCIDENTS—EMPLOYER'S LIABILITY.

(Constitutional Provision.)

The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding. (Article XX, section 21. Adopted October 10, 1911.)

## WORKMEN'S COMPENSATION INSURANCE AND SAFETY ACT.

§ 1. **Act, How Cited.**—This act shall be known, and may be cited, as the "workmen's compensation, insurance and safety act," and shall apply to the subjects mentioned in its title.

§ 2. **Terms Construed.**—The following terms as used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

(1) **Commission.**—The term "commission" means the industrial accident commission of the State of California.

(2) **Commissioner.**—The term "commissioner" means one of the members of the commission.

(3) **Compensation.**—The term "compensation" means compensation under this act and includes every benefit or payment conferred by

sections 12 to 36, inclusive, of this act upon an injured employee, or in the event of his death, upon his dependents, without regard to negligence.

(4) **Damages.**—The term “damages” means the recovery allowed in an action at law as contrasted with compensation under this act.

(5) **Person.**—The term “person” includes an individual, firm, voluntary association or a corporation.

(6) **Insurance Carrier.**—The term “insurance carrier” includes the state compensation insurance fund herein created and any private company, corporation or mutual association authorized under the laws of this State to insure employers against liability for compensation under this act.

(7) **Compensation Provisions.**—The phrase “compensation provisions of this act” means and includes sections 12 to 35, inclusive, of this act.

(8) **Safety Provisions.**—The phrase “safety provisions of this act” means and includes sections 51 to 72, inclusive, of this act.

(9) **Gender.**—Whenever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

**§ 3. Powers, Duties and Functions of Commission—Term—Salary—Oath.**—There is hereby created a board to consist of three members who shall be appointed by the governor from the State at large and which shall be known as the “industrial accident commission” and shall have the powers, duties and functions hereinafter conferred. Within thirty days prior to the first day of January, 1914, the governor shall appoint the three members of said commission, one for the term of two years, one for the term of three years and one for the term of four years. Thereafter, the term of office of each commissioner shall be four years. Vacancies shall be filled by appointment in the same manner for the unexpired term. Each commissioner shall receive an annual salary of five thousand dollars. Each commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office.

**§ 4. Chairman—Quorum—Act of Majority Deemed Act of Commission.**—The commission shall organize by choosing one of its members as chairman. A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power or authority of the commission. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the power and authority of the commission. The act of the majority of the commission, when in session as a commission, shall be deemed to be the act of the commission, but any investigation, inquiry or hearing, which the commission has power to undertake or to hold, may be undertaken or held by or before any member thereof or any referee appointed by the

commission for that purpose, and every finding, order, decision, or award made by any commissioner or referee, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, order, decision or award of the commission.

§ 5. **Seal.**—The commission shall have a seal, bearing the following inscription: "Industrial accident commission State of California, seal." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

§ 6. **Office in San Francisco and Los Angeles.**—The commission shall keep its principal office in the city and county of San Francisco, and shall also keep an office in the city of Los Angeles, and shall provide itself with suitable rooms, necessary office furniture, stationery and other supplies. For the purpose of holding sessions in other places, the commission shall have power to rent temporary quarters.

§ 7. **Powers.**—The commission shall have full power and authority:

(1) **Attorney.**—To appoint as its attorney an attorney at law of this State, who shall hold office at the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission and, if directed so to do by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute and expedite the final determination of all actions or proceedings, civil or criminal, directed or authorized by the commission; to advise the commission and each member thereof, when so requested, in regard to all matters in connection with the jurisdiction, powers or duties of the commission and members thereof; and generally to perform all duties and services as attorney to the commission which may be required of him.

(2) **Secretary.**—To appoint, and it shall appoint, a secretary, who shall hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission, to issue all necessary processes, writs, warrants and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commission may prescribe. The commission may also appoint such assistant secretaries as may be necessary and such assistant secretaries may perform any duty of the secretary, when so directed by the commission.

(3) **Manager of State Compensation Insurance Fund—Bond.**—To appoint a manager of the state compensation insurance fund who shall hold office at the pleasure of the commission. It shall be the duty of such manager to manage, supervise and conduct, subject to the general direction and approval of the commission, the business

and affairs of the state compensation insurance fund and to perform such other duties as the commission may prescribe. Before entering on the duties of his office, he must give an official bond in the sum of \$50,000, and take and subscribe to an official oath. Said bond must be approved by the commission, by written indorsement thereon, and be filed in the office of the secretary of state.

(4) **Superintendent of Department of Safety.**—To appoint a superintendent of the department of safety, who shall hold office at the pleasure of the commission, and who shall perform such duties as the commission shall prescribe.

(5) **Other Employees.**—To employ such other assistants, officers, experts, statisticians, actuaries, accountants, inspectors, referees and other employees, as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

**§ 8. Salaries and Compensation—Expenses.**—All officers and employees of the commission shall receive such compensation for their services as may be fixed by the commission and shall hold office at the pleasure of the commission and shall perform such duties as are imposed on them by law or by the commission. The salaries of the members of the commission, its attorney, secretary and assistant secretary, as fixed by law or the commission, shall be paid in the same manner as are the salaries of other State officers. The salary or compensation of every other person holding office or employment under the commission, as fixed by law or by the commission, shall be paid monthly, after being approved by the commission, upon claims therefor to be audited by the state board of control. All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees, incurred while on business of the commission, either within or without the state, shall, unless otherwise provided in this act, be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control; provided, however, that no such expenses incurred outside of the state shall be allowed unless prior authorization therefor be obtained from the board of control.

**§ 9. Apportionment Between Departments.**—In all cases in which salaries, expenses or outgoings of one department under the jurisdiction of the commission are expended in whole or in part on behalf of another department the commission may apportion the same between such departments.

**§ 10. Blank Forms—Minutes—Book of Awards.**—The commission shall cause to be printed and furnished free of charge to any employer or employee, or other person, such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this

act; it shall provide a book in which shall be entered the minutes of all its proceedings, a book in which shall be recorded all awards made by the commission and such other books or records as it shall deem requisite for the proper and efficient administration of this act; all such records to be kept in the office of the commission.

§ 11. **Further Powers.**—The commission shall also have power and authority:

(1) **Fees.**—To charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken on proceedings had, fifteen cents for each folio.

(2) **Reports and Pamphlets.**—To publish and distribute in its discretion from time to time, in addition to its annual report to the governor of the State, such further reports and pamphlets covering its operations, proceedings and matters relative to its work as it may deem advisable.

(3) **Charges for Publications.**—To fix and collect reasonable charges for publications issued under its authority.

(4) **Disposition of Fees.**—The fees charged and collected under this section shall be paid monthly into the treasury of the State to the credit of the "industrial accident fund" and shall be accompanied by a detailed statement thereof.

§ 12. **Conditions of Compensation.**—(a) Liability for the compensation provided by this act, in lieu of any other liability whatsoever, shall, without regard to negligence, exist against an employer for any personal injury sustained by his employees by accident arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

(1) Where, at the time of the accident, both the employer and employee are subject to the compensation provisions of this act.

(2) Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment as such.

(3) Where the injury is proximately caused by accident, either with or without negligence, and is not so caused by the intoxication or the willful misconduct of the injured employee.

(b) **Right—Exclusive When.**—Where such conditions of compensation exist, the right to recover such compensation pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death except that when the injury was caused by the employer's gross negligence or willful misconduct and such act or failure to act causing such injury was the personal act or failure to act on the part of the employer himself, or if the employer be a partnership on the part of one of the partners, or if a



corporation, on the part of an elective officer or officers thereof, and such act or failure to act indicated a willful disregard of the life, limb, or bodily safety of employees, any such injured employee may, at his option, either claim compensation under this act or maintain an action at law for damages.

(c) **Where Conditions Do not Concur.**—In all other cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if this act had not been passed.

§ 13. **Term "Employer."**—The term "employer" as used in sections 12 to 35, inclusive, of this act shall be construed to mean: The state, and each county, city and county, city, school district and all public corporations therein, and every person, firm, voluntary association, and private corporation, (including any public service corporation) who has any person in service under any appointment or contract of hire, or apprenticeship, express or implied, oral or written, and the legal representatives of any deceased employer.

§ 14. **Term "Employee."**—The term "employee" as used in sections 12 to 35, inclusive, of this act shall be construed to mean: every person in the service of an employer as defined by section 13 hereof under any appointment or contract of hire or apprenticeship, express or implied, oral and written, including aliens and also including minors, but excluding any person whose employment is both casual and not in the usual course of the trade, business, profession or occupation of his employer, and also excluding any employee engaged in farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising or in household domestic service.

§ 15. **Schedule of Compensation.**—Where liability for compensation under this act exists such compensation shall be furnished or paid by the employer and be as provided in the following schedule:

(a) **Treatment, Supplies and Apparatus.**—Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, as may reasonably be required at the time of the injury and within ninety days thereafter, to cure and relieve from the effect of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same.

(b) **Disability Indemnity.**—1. If the accident causes disability, a disability indemnity which shall be payable for one week in advance as wages on the fifteenth day after the injured employee leaves work as a result of the injury, and thereafter on the employer's regular payday, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

(1) If the period of disability does not last longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity whatever shall be recoverable.

(2) If the period of disability lasts longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity shall be recoverable for the first two weeks of such disability.

**2. Measure of Indemnity.**—The disability indemnity payable shall be as follows:

(1) **Temporary Total Disability.**—If the accident causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability;

(2) **Temporary Partial Disability.**—If the accident causes temporary partial disability, sixty-five per cent of the weekly loss in wages during the period of such disability;

(3) **Temporary Disability at Times Total and at Times Partial.**—If the temporary disability caused by the accident is at times total and at times partial, the weekly disability indemnity during the periods of each such total or partial disability shall be in accordance with paragraphs (1) and (2) of this subdivision respectively;

(4) **Aggregate Indemnity for Temporary Disability.**—Paragraphs (1), (2) and (3) of this subdivision shall be limited as follows: aggregate disability indemnity for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the accident.

(5) **Permanent Disability.**—If the accident causes permanent disability, the percentage of disability to total disability shall be determined and the disability indemnity computed and allowed as follows: for a ten per cent disability, sixty-five per cent of the average weekly earnings for a period of forty weeks; for a twenty per cent disability, sixty-five per cent of the average weekly earnings for a period of eighty weeks; for a thirty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred twenty weeks; for a forty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred sixty weeks; for a fifty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred weeks; for a sixty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks; for a seventy per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter ten per cent of such weekly earnings during the remainder of life; for an eighty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter twenty per cent of such weekly earnings during the remainder of life; for a ninety per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter thirty per cent of such weekly earnings during the remainder of life; for a hundred per

cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter forty per cent of such weekly earnings during the remainder of life.

(6) **Permanent Disabilities Intermediate to Foregoing Schedule.**—The indemnity for permanent disabilities intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows: if under seventy per cent, sixty-five per cent of the average weekly earnings for four weeks for each one per cent of disability; if seventy per cent or over, sixty-five per cent of the average weekly earnings for two hundred forty weeks and thereafter one per cent of such weekly earnings for each one per cent of disability in excess of sixty per cent to be paid during the remainder of life.

(7) **Nature of Injury—Disfigurement—Occupation and Age.**—In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee and his age at the time of such injury.

(8) **Total Incapacity Due to Illness Resulting from Injury.**—Nothing contained in the foregoing schedule of permanent disability indemnity shall be held to limit the amount of compensation recoverable for any such permanent injury during any period of total incapacity due to illness resulting from that injury, but any sum so received shall be deducted from the compensation payable in accordance with the said schedule.

(9) **Permanent Disabilities Conclusively Presumed to be Total.**—The following permanent disabilities shall be conclusively presumed to be total in character: Loss of both eyes or the sight thereof; loss of both hands or the use thereof; an injury resulting in a practically total paralysis; an injury to the brain resulting in incurable imbecility or insanity. In all other cases, permanent total disability shall be determined in accordance with the fact.

**3. Death of Employee not to Affect Accrued and Unpaid Compensation.**—The death of the injured employee shall not affect the liability of the employer under subsections (a) and (b) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, without administration, or if there are no dependents, to the personal representatives of the deceased employee or other person entitled thereto, but such death shall be deemed to be the termination of the disability.

(c) **Death Benefit.**—If the accident causes death, either with or without disability, a death benefit which shall be payable in installments equal to sixty-five per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay-day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

(1) **Where Deceased Employee Leaves Persons Wholly Dependent.**—In case the deceased employee leaves a person or persons wholly depend-

ent upon him for support, the death benefit shall be a sum sufficient, when added to the disability indemnity which, at the time of death has accrued and become payable, under the provisions of subsection (b) hereof, to make the total disability indemnity and death benefit equal to three times his average annual earnings, such annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

(2) **Where Deceased Employee Leaves No Person Wholly Dependent but Persons Partially Dependent.**—In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of three times such average annual earnings of the employee as the annual amount devoted by the deceased to the support of the person or persons so partially dependent bears to such average annual earnings; provided, that the death benefit shall not be greater than a sum sufficient, when added to the disability indemnity which, at the time of the death, has accrued and become payable under the provisions of subsection (b) hereof to make the total disability indemnity and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

(3) **Where Deceased Employee Leaves No Person Dependent.**—If the deceased employee leaves no person dependent upon him for support, the death benefit shall consist of the reasonable expense of his burial not exceeding one hundred dollars and such further death benefit as may be provided by law.

(d) **Payment to Discharge Employer.**—Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

§ 16. **Limitation of Proceedings.**—(a) Unless compensation is paid or an agreement for its payment made within the time limited in this section for the institution of proceedings for its collection, the right to institute such proceedings shall be wholly barred.

(b) The periods within which proceedings for the collection of compensation may be commenced as follows:

(1) **For Collection of Disability Indemnity.**—Proceedings for the collection of the benefit provided by subsection (a) of section 15 or for the collection of the disability indemnity provided by subsection (b) of said section 15 must be commenced within six months from the date of the accident, except as otherwise provided in this act.

(2) **For Collection of Death Benefit.**—Proceedings for the collection of the death benefit provided by subsection (c) of said section 15 must be commenced within one year from the date of death, and in any event within two hundred forty weeks from the date of

the accident, and can only be maintained when it appears that death ensued within one year from the date of the accident, or that the accident causing death also caused disability which continued to the date of the death and for which a disability indemnity was paid, or an agreement for its payment made, or proceedings for its collection commenced within the time limited for the commencement of proceedings for the recovery of the disability indemnity.

(c) **Time, How Extended.**—The payment of the disability indemnity or death benefit, or any part thereof, or agreement therefor, shall have the effect of extending the period within which proceedings for its collection may be commenced, six months from the date of the agreement or last payment of such disability indemnity or death benefit or any part thereof.

(d) **Minor or Incompetent to Act by Guardian or Trustee.**—If an injured employee, or in the case of his death, one or more of his dependents, shall be a minor or incompetent at any time when any right or privilege accrues to such person under the provisions of this act, a general guardian, appointed by the court or a guardian *ad litem* or trustee appointed by the commission or a commissioner may, on behalf of any such person, claim and exercise any such right or privilege with the same force and effect as if no such disability existed; and no limitation of time provided by this act shall run against any such minor or incompetent unless and until such guardian or trustee is appointed.

(e) **Refusal to Submit to Treatment.**—No compensation shall be payable in respect of the death or disability of an employee if his death is caused, or if and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment, or to any surgical treatment, the risk of which is, in the opinion of the commission, inconsiderable in view of the seriousness of the injury.

(f) **Later Injury.**—The fact that an employee has suffered a previous disability, or receives compensation therefor, shall not preclude him from compensation for a later injury, or his dependents from compensation, shall not, in the absence of any agreement, be construed compensation for the later injury, or death resulting therefrom, his average annual earnings shall be fixed at such sum as will reasonably represent his annual earning capacity at the time of the later injury.

(g) **Payment not Admission of Liability or Waiver of Claim.**—Any payment, allowance or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this act was not then due and payable or when there is any dispute or question concerning the right to compensation for death resulting therefrom, but in determining *com-* to be an admission of liability for compensation on the part of the employer, or the acceptance thereof as a waiver of any right or claim which the employee or his dependents may have against the employer,

but any such payment, allowance or benefit may be taken into account by the commission in fixing the amount of the compensation to be paid.

**§ 17. (a) Average Weekly Earnings One Fifty-second of Average Annual Earnings.**—The average weekly earnings referred to in section 15 hereof shall be one fifty-second of the average annual earnings of the employee; in computing such earnings his average annual earnings shall be taken at not less than three hundred and thirty-three dollars and thirty-three cents, nor at more than one thousand six hundred and sixty-six dollars and sixty-six cents and between said limits shall be arrived at as follows:

(1) **If Employee has Worked in Same Employment.**—If the injured employee has worked in the same employment, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily earnings, wage or salary which he earned as such employee during the days when so employed.

(2) **If Employee has not so Worked in Such Employment.**—If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily earnings, wage or salary which an employee of the same class, working substantially the whole of such immediately preceding year, in the same or a similar kind of employment, in the same or a neighboring place, earned during the days when so employed.

(3) **Where for Any Reason Foregoing Methods cannot be Applied.**—In every case where for any reason the foregoing methods of arriving at the average annual earnings of the injured employee cannot reasonably and fairly be applied, such annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class working in the same or most similar employment, in the same or neighboring locality, shall reasonably represent the average annual earning capacity of the injured employee at the time of the injury in the kind of employment in which he was then working, or in any employment similar thereto.

(b) **Board, Lodging, Fuel—Special Expenses.**—In determining such average weekly earnings, there shall be included the market value of board, lodging, fuel and other advantages received by the injured employee, as part of his remuneration and which can be estimated in money, but such average weekly earnings shall not include any sum which the employer paid to the injured employee to cover any special expenses entailed on him by the nature of his employment.

(c) **Injured Employee a Minor.**—If the injured employee is a minor, and his incapacity, whether total or partial, is permanent, his average weekly earnings shall be deemed, within the limits fixed, to be the weekly sum, that under ordinary circumstances he would probably be able to earn, after attaining the age of twenty-one years, in the occupa-

tion in which he was employed at the time of the injury, if he had not been injured.

§ 18. **Weekly Loss in Wages.**—The weekly loss in wages referred to in section 15 hereof shall consist of the difference between the average weekly earnings of the injured employee, computed according to the provisions of said section, and the weekly amount which the injured employee, in the exercise of reasonable diligence, will probably be able to earn during the disability, to be determined in view of the nature and extent of the injury. In computing such probable earnings due regard shall be had to the ability of the injured employee to compete in an open labor market.

§ 19. (a) **Conclusively Presumed Dependent.**—The following shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(1) **Wife.**—A wife upon a husband with whom she was living at the time of his death.

(2) **Husband.**—A husband upon a wife upon whose earnings he is partially or wholly dependent at the time of her death.

(3) **Child.**—A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he or they are living at the time of the death of such parent or for whose maintenance such parent was legally liable at the time of his death, there being no surviving dependent parent.

(b) **Other Cases.**—In all other cases, questions of entire or partial dependency and questions as to who constitute dependents and the extent of their dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee.

(c) **Relation.**—No person shall be considered a dependent of any deceased employee unless a member of the family of such employee or unless such person bears to such employee the relation of husband or wife, child, adopted child or stepchild, father or mother, father in law or mother in law, grandfather or grandmother, brother or sister, nephew or niece.

(d) 1. **Persons Wholly Dependent Receive Entire Death Benefit.**—If there is one or more persons wholly dependent for support upon a deceased employee, such person or persons shall receive the entire death benefit, and any person or persons partially dependent shall receive no part thereof, unless otherwise ordered by the commission.

2. **Death Benefit Divided Among Those Wholly Dependent.**—If there is more than one such person wholly dependent for support upon a deceased employee, the death benefit shall be divided equally among them, unless otherwise ordered by the commission.

3. **Death Benefit Divided Among Persons Partially Dependent.**—If there is more than one person partially dependent for support

upon a deceased employee, and no person wholly dependent for support, the amount allowed as the death benefit shall be divided among the persons so partially dependent in proportion to the relative extent of their dependency, unless otherwise ordered by the commission.

(e) **Trustee.**—The death benefit shall be paid to such one or more of the dependents of the deceased, or to a trustee appointed by the commission, or a commissioner, for the benefit of the person or persons entitled, as may be determined by the commission, and the commission may, anything in this act contained to the contrary notwithstanding, apportion such benefits among the dependents in proportion to their respective needs and as may be just and equitable, and may order payment to a dependent subsequent in right, or not otherwise entitled, upon good cause being shown therefor. The person to whom the death benefit is paid for the use of the several beneficiaries shall apply the same in compliance with the findings and directions of the commission.

§ 20. **Notice in Writing of Accident.**—No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and the address of the person injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured or someone in his behalf, or in case of his death, by a dependent or someone in his behalf shall be served upon the employer; provided however, that actual knowledge of such accident and injury on the part of such employer, or his managing agent or superintendent in charge of the work, upon which the injured employee was engaged at the time of the injury, shall be equivalent to such service; and provided, further, that the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for the collection of the claim that there was no intention to mislead or prejudice the employer, and that he was not in fact misled or prejudiced thereby.

§ 21. (a) **Examination by Physician.**—Whenever in case of injury the right to compensation under this act would exist in favor of any employee, he shall, upon the written request of his employer, submit from time to time to examination by a practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any physician selected by the commission or any member or referee thereof.

(b) **Order for Examination.**—The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician provided and paid for by himself present at any such examination. So long as the employee, after such written request of the employer, shall fail or refuse to submit to such examination or shall



in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended, and if he shall fail or refuse to submit to such examination after direction by the commission, or any member or referee thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such failure, refusal or obstruction, shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof.

**§ 22. Time and Place of Hearing.**—Upon filing with the commission by any party in interest of an application in writing stating the general nature of any dispute or controversy concerning compensation, or concerning any right or liability arising out of, or incident thereto, jurisdiction over which is vested by this act in the commission, a time and place shall be fixed for the hearing thereof, which shall be not less than ten days nor more than forty days after the filing of such application. The person filing such application shall be known as the applicant and the adverse party shall be known as the defendant. A copy of said application, together with a notice of the time and place of hearing thereof, shall forthwith be served upon all adverse parties and may be served either as a summons in a civil action or in the same manner as any other notice that is authorized or required to be served under the provisions of this act. A notice of the time and place of hearing shall also be served upon the applicant.

**§ 23. Answer.**—If any defendant desires to disclaim any interest in the subject matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete, or desires to bring any fact, paper or document to the attention of the commission as a defense to the claim, or otherwise, he must within five days after the service of the application upon him, file with or mail to the commission his answer setting forth the particulars in which the application is inaccurate or incomplete, and the facts upon which he intends to rely. A copy of such answer must be forthwith served upon all adverse parties.

**§ 24. (a) Pleadings—Hearing.**—No pleadings, other than the application and answer shall be required. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the commission. Either party shall have the right to be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as shall be pertinent under the pleadings, but the commission may, with or without notice to either party, *cause testimony* to be taken, or inspection of the premises where the *injury occurred* to be made, or the time-books and pay-roll of the *employer to be examined* by any commissioner or any referee appointed by the commission, and may from time to time direct any employee *claiming compensation* to be examined by a regular physician; the tes-

timony so taken and the results of any such inspection or examination to be reported to the commission for its consideration.

(b) **Stipulation.**—The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the commission. The commission may thereupon make its findings and award based upon such stipulation, or may in its discretion, set the matter down for hearing and take such further testimony or make such further investigations as may be necessary to enable it to completely determine the matter in controversy.

§ 25. (a) **Findings and Award.**—After final hearing by the commission, it shall, within thirty days, make and file (1) its findings upon all facts involved in the controversy and (2) its award which shall state its determination as to the rights of the parties.

(b) **Award.**—The commission in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid and order payment thereof during the continuance of such disability.

(c) **Nominal Indemnity.**—If, in any proceeding under sections 12 to 35, inclusive, of this act, it is proved that an accident has happened for which the employer would be liable to pay compensation if disability had resulted therefrom, but it is not proved that any incapacity had resulted, the commission may, instead of dismissing the application, award a nominal disability indemnity, if it appears that disability is likely to result at a future time.

(d) **Order, Decision or Award Rescinding, Altering or Amending Prior Order, Decision or Award.**—The commission shall have continuing jurisdiction over all its orders, decisions and awards made and entered under the provisions of sections 12 to 35, inclusive, of this act and may at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter or amend any such order, decision or award made by it upon good cause appearing therefor; provided, that no award of compensation shall be rescinded, altered or amended after two hundred forty-five weeks from the date of the accident. Any order, decision or award rescinding, altering or amending a prior order, decision or award shall have the same effect as is herein provided for original orders, decisions or awards.

§ 26. (a) **Judgment.**—Any party affected thereby may file a certified copy of the findings and award of the commission with the clerk of the superior court for any county, or city and county, and judgment must be entered by the clerk in conformity therewith immediately upon the filing of such findings and award.

(b) **Judgment-roll.**—The certified copy of the findings and award of the commission and a copy of the judgment shall constitute the judgment-roll. The pleadings, all orders of the commission, its original

findings and award, and all other papers or documents filed in the cause shall remain on file in the office of the commission.

(c) **Stay of Execution.**—The commission, or any member thereof, may stay the execution of any judgment entered upon an award of the commission, upon good cause appearing therefor and upon such terms and conditions as may be imposed. A certified copy of such order shall be filed with the clerk entering such judgment.

(d) **Satisfaction of Judgment.**—Satisfaction of a judgment entered upon the award of the commission may be entered in the manner provided by law for the satisfaction of judgment. When a judgment is satisfied in fact, otherwise than upon an execution, the commission may, upon motion of either party or of its own motion, order the entry of satisfaction of the judgment to be made, and upon filing a certified copy of such order with the said clerk, he shall thereupon enter such satisfaction.

§ 27. **Review.**—The order, findings, decisions or awards of the commission made and entered under sections 12 to 35, inclusive, of this act may be reviewed by the courts specified in sections 84 and 85 hereof and within the time and in the manner therein specified and not otherwise.

§ 28. **Fees—Costs—Interest.**—No fees shall be charged by the clerk of any court for the performance of any official service required by this act, except for the docketing of awards as judgments and for certified copies of transcripts thereof. In all proceedings under this act before the commission, costs as between the parties shall be allowed or not in the discretion of the commission, and the commission may in its discretion, where payments of compensation have been unreasonably delayed, allow the beneficiary thereof interest thereon, at not to exceed one and one-half per cent per month, during such period of delay.

§ 29. (a) **Assignments.**—No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided.

(b) **Lien.**—The commission may fix and determine and allow as a lien against any amount to be paid as compensation:

(1) **Attorney's Fee.**—A reasonable attorney's fee for legal services pertaining to any claim for compensation or application filed therefor and the reasonable disbursements in connection therewith.

(2) **Expenses.**—The reasonable expenses incurred by or on behalf of the injured employee and for which the employer is liable under the provisions of subsection (a) of section 15 hereof.

(3) **Burial Expenses.**—The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred dollars.

(c) **Notice to Employer of Lien.**—If notice in writing be given to the employer setting forth the nature and extent of any claim, that may be allowed as a lien, the said claim shall be a lien against any amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments.

(d) **Reasonable Amount.**—No claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof, or for the expense mentioned in paragraph (2) of said subsection (b), in excess of a reasonable amount, shall be valid or binding in any respect.

(e) **Preference.**—A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall have the same preference over the other unsecured debts of the employer as is given by law to claims for wages. Such preference shall be for the entire amount of compensation to be paid, but this section shall not impair the lien of any previous award.

§ 30. **Liability of Principals and Contractors—Other Than Immediate Employer.**—The liability of principals and contractors for compensation under this act, when other than the immediate employer of the injured employee, shall be as follows:

(a) **Principal, General Contractor and Intermediate Contractor Liable.**—The principal, any general contractor and each intermediate contractor who undertakes to do, or contracts with another to do, or to have done, any work, shall be liable to pay to any employee injured while engaged in the execution of such work, or to his dependents in the event of his death, any compensation which the immediate employer is liable to pay.

(b) **Separate Application.**—The person entitled to such compensation shall have the right to recover the same directly from his immediate employer, and in addition thereto the right to enforce in his own name, in the manner provided by this act, the liability for compensation imposed upon other persons by this section, either by making such other persons parties to the original application or by filing a separate application; provided, however, that payment in whole or in part of such compensation by either the immediate employer or other person shall, to the extent of such payment, be a bar to recovery against the other by any person entitled to such compensation.

(c) **Subrogation.**—When any person, other than the immediate employer, shall have paid any compensation for which he would not have been liable independently of this section, he shall, unless he caused the injury, be entitled to recover the full amount so paid from the person primarily liable therefor.

(d) **Limitations.**—The liability imposed by this section upon such principal, general contractor and intermediate contractor shall be subject to the following limitations:

(1) **Injury on Premises.**—Such liability shall exist only in cases where the injury occurred on or in or about the premises on which the principal, general contractor or intermediate contractor has undertaken to execute any work, or when such premises or work are otherwise under his control or management.

(2) **Compensation Insurance.**—Such liability shall not exist in the event that the immediate employer, or other person primarily liable for the compensation shall, previous to the happening of such accident, have taken out, and maintained in full force and effect, compensation insurance with any insurance carrier, covering his full liability for compensation to the injured person or his dependents.

(3) **Stay of Execution.**—The commission may, in its discretion, order that execution against the principal, general contractor and any intermediate contractor, be stayed until execution against the immediate employer shall be returned unsatisfied.

§ 31. **Subrogation of Employer to Rights of Employee.**—The making of a lawful claim against an employer for compensation under this act for the injury or death of his employee shall operate as an assignment to the employer of any right to recover damages which the injured employee, or his personal representative, or other person, may have against any other party for such injury or death, and such employer shall be subrogated to any such right and may enforce in his own name the legal liability of such other party. The amount of compensation paid by the employer, or the amount of compensation to which the injured employee or his dependents is entitled, shall not be admissible in evidence in any action brought to recover damages, but any amount collected by the employer, under the provisions of this section, in excess of the amount paid by the employer, or for which he is liable, shall be held by him for the benefit of the injured employee or other person entitled.

§ 32. (a) **Contract Exempting Employer.**—No contract, rule or regulation shall exempt the employer from liability for the compensation fixed by this act, but nothing in this act contained shall be construed as impairing the right of the parties interested to settle, subject to the provisions herein contained, any liability which may be claimed to exist under this act on account of such injury or death, or as conferring upon the dependents of any injured employee any interest which such employee may not divert by such settlement or for which he, or his estate, shall, in the event of such settlement by him, be accountable to such dependents or any of them.

(b) **Settlement Agreement.**—The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment

when subject to the provisions of this act, and no release of liability or settlement agreement shall be valid unless it provides for the payment of full compensation in accordance with the provisions of this act or until and unless it shall be approved by the commission.

(c) **Award Based upon Settlement Agreement.**—A copy of any such release or settlement agreement signed by both parties shall forthwith be filed with the commission. When such release or settlement agreement is filed with the commission and approved by it, the commission may of its own motion, or on the application of either party, without notice, enter its award based upon such release or settlement agreement.

(d) **Contents of Settlement Agreement.**—Every such release or settlement agreement shall be in writing, duly executed and attested by two disinterested witnesses, and shall specify the date of the accident, the average weekly wages of the employee, determined according to section seventeen hereof, the nature of the disability, whether total or partial, permanent or temporary, the amount paid or due and unpaid to the employee up to the date of the release or agreement or death, as the case may be, and, if any, the amount of the payment or benefits then or thereafter to be made, and the length of time that such payment is to continue. In case of death there shall also be stated in such release or settlement agreement the date of death, the name of the widow, if any, the name and ages of all children, if any, and the names of all other dependents, if any, and whether such dependents be total or partial, and the amount paid or to be paid as a death benefit and to whom such payment is to be made.

§ 33. (a) **Commutation.**—At the time of making its award or at any time thereafter the commission on its own motion, either with or without notice, or upon application of either party with due notice to the other, may in its discretion, commute the compensation payable under this act to a lump sum, if it appears that such commutation is necessary for the protection of the person entitled thereto, or for the best interest of either party, or that it will avoid undue expense or hardship to either party, or that the employer has sold or otherwise disposed of the greater part of his assets, or is about to do so, or that the employer is not a resident of this state, and the commission may order such compensation paid forthwith or at some future time.

(b) **Amount of Commuted Payment.**—The amount of the commuted payment shall be determined in accordance with the following provisions:

(1) **Temporary Disability.**—If the accident causes temporary disability, the commission shall estimate the probable duration thereof and the probable amount of the temporary disability indemnity payable therefor in accordance with the provisions of section 15 hereof and shall fix the lump sum payable at such amount so determined.

(2) **Permanent Disability or Death.**—If the accident causes permanent disability or death, the commission shall fix the total amount of the permanent disability indemnity or death benefit payable therefor in accordance with the provisions of said section 15 and shall estimate the present value thereof, assuming interest at the rate of six per cent per annum, disregarding the probability of the beneficiary's death in all cases except where the percentage of permanent disability is such as to entitle the beneficiary to a life pension, and then taking into consideration the probability of the beneficiary's death only in estimating the present value of such life pension.

(c) **Lump Sum Deposit—Payments by Trustee.**—The commission in its discretion may order the lump sum payment, determined as hereinbefore provided, paid directly to the injured employee or to his dependents, or deposited with any savings bank or trust company authorized to transact business in this State, that will agree to accept the same as a deposit bearing interest at not less than four per cent, per annum, or the commission may order the same deposited with the state compensation insurance fund. Any such amount so deposited, together with all interest thereon, shall thereafter be held in trust for the injured employee, or in the event of his death, for his dependents, who shall have no further recourse against the employer. Payments from said fund, when so deposited, shall be made by the trustee only in the same amounts and at the same times as fixed by the order of the commission and until said fund and interest thereon shall be exhausted. In the appointment of the trustee preference shall be given, in the discretion of the commission, to the choice of the injured employee or his dependents. Upon the making of such payment, the employer shall present to the commission a proper receipt evidencing the same, executed either by the injured employee or his dependents, or by the trustee, and the commission shall thereupon issue its certificate in proper form evidencing the same, and such certificate, upon filing with the clerk of the superior court in which any judgment upon an award may have been entered, shall operate as a satisfaction of said award and shall fully discharge the employer from any further liability on account thereof.

§ 34. (a) **Insurance not Affected.**—Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance or the right of the employer to insure in mutual or other companies, in whole or in part, against liability for the compensation provided for by this act; or, to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act.

(b) **Liability not Reduced by Insurance.**—Liability for compensation shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to

such compensation, except as otherwise provided by this act, and the person so entitled shall, irrespective of any insurance or other contract, except as otherwise provided in this act, have the right to recover such compensation directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, either by making the insurance carrier a party to the original application or by filing a separate application, the liability of any insurance carrier, which may, in whole or in part, have insured against liability for such compensation; provided, further, that payment in whole or in part of such compensation by either the employer or the insurance company shall, to the extent thereof, be a bar to recovery against the other of the amount so paid; and provided, further, that as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

(c) **Insurance Policy.**—Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee and, in the event of his death, to his dependents, to pay the compensation, if any, for which the employer is liable; that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards rendered against the employer under the provisions of this act.

(d) **Lien of Employee.**—Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging to the extent of such payment the obligations of the employer to the employee, and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy, or otherwise, during the period that the policy is in operation or the compensation remains owing.

(e) 1. **Assumption of Liability by Insurance Carrier and Substitution.**—If the employer shall be insured against liability for compensation with any insurance carrier, and if after the happening of any accident such insurance carrier shall serve or cause to be served upon any person claiming compensation against such employer a notice that it has assumed and agreed to pay the compensation, if any, for which the employer is liable, and shall file a copy of such notice with the



commission, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, without notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution but shall be continued against such insurance carrier.

**2. Notice by Employer of Liability of Insurance Carrier.**—If at the time of the happening of an accident for which compensation is claimed, or may be claimed, the employer shall be insured against liability for the full amount of compensation payable, or that may become payable, the employer may serve or cause to be served upon any person claiming compensation on account of the happening of such accident and upon the insurance carrier a notice that the insurance carrier has, in its policy contract or otherwise, assumed and agreed to pay the compensation, if any, for which the employer is liable, and may file a copy of such notice with the commission. If it shall thereafter appear to the satisfaction of the commission that the insurance carrier has, through the issuance of its contract of insurance or otherwise, assumed such liability for compensation, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, after notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution, but shall be continued against such insurance carrier.

**(f) Subrogation of Insurance Carrier.**—Where any employer is insured against liability for compensation with any insurance carrier and such insurance carrier shall have paid any compensation for which the employer was liable, or shall have assumed the liability of the employer therefor, it shall be subrogated to all the rights and duties of the employer and may enforce any such rights in its own name.

**§ 35. (a) Limited Compensation Policy.**—If any insurance policy shall be issued covering liability for compensation, which policy shall contain any limitation as to the compensation payable, such limitation shall be printed in the body of such policy in bold-face type and in addition thereto the words "limited compensation policy" shall be printed on the top of the policy in bold-faced type not less than eighteen point in size.

**(b) Optional Provisions.**—No insurance carrier shall insure against the liability of the employer for damages recoverable at law by the injured employee under the optional provisions contained in section 12 hereof, and any insurance carrier liable to any such injured employee for compensation upon the payment of the same shall have the same option given by said section 12 to such employee and shall be fully subrogated to his rights, and may enforce such liability for dam-

ages against the employer in its own name, anything in the insurance contract to the contrary notwithstanding.

§ 36. **State Compensation Insurance Fund.**—There is hereby created and established a fund to be known as the "state compensation insurance fund," to be administered by the industrial accident commission of the State, without liability on the part of the State beyond the amount of said fund, for the purpose of insuring employers against liability for compensation under this act and insuring to employees and other persons the compensation fixed by this act for employees and their dependents.

§ 37. (a) **How Constituted.**—The State compensation insurance fund shall be a revolving fund and shall consist of such specific appropriations as the legislature may from time to time make or set aside for the use of such fund, all premiums received and paid into the said fund for compensation insurance issued, all property and securities acquired by and through the use of moneys belonging to said fund and all interest earned upon moneys belonging to said fund and deposited or invested, as herein provided.

(b) **How Applicable.**—Said fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of the salaries and other expenses to be charged against said fund in accordance with the provisions contained in this act.

(c) **Intent of Legislature.**—Said fund shall, after a reasonable time during which it may establish a business, be fairly competitive with other insurance carriers, and it is the intent of the legislature that said fund shall ultimately become neither more nor less than self-supporting.

§ 38. (a) **Jurisdiction Over Fund.**—The commission is hereby vested with full power, authority and jurisdiction over the State compensation insurance fund and may do and perform any and all things whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction over said fund in the administration thereof, or in connection with the insurance business to be carried on by it under the provisions of this act, as fully and completely as the governing body of a private insurance carrier might or could do.

(b) **Powers of Commission in Connection With Fund.**—The commission shall have full power and authority, and it shall be its duty, to fix and determine the rates to be charged by the State compensation insurance fund for compensation insurance, and to manage and conduct all business and affairs in relation thereto, all of which business and affairs shall be conducted in the name of the State compensation insurance fund, and in that name, without any other name or title, the commission may:

(1) **Suits.**—Sue and be sued in all the courts of the state in all actions arising out of any act, deed, matter or thing made, omitted, entered into, done, or suffered in connection with the State compensation insur-

ance fund, the administration, management or conduct of the business or affairs relating thereto.

(2) **Contracts.**—Make and enter into contracts of insurance as herein provided, and such other contracts or obligations relating to the State compensation insurance fund as are authorized or permitted under the provisions of this act.

(3) **Investments.**—Invest and reinvest the moneys belonging to said fund as hereinafter provided.

(4) **Business and Affairs.**—Conduct all business and affairs, relating to the State compensation insurance fund, whether herein specifically designated or in addition thereto.

(c) **Delegation of Powers.**—The commission may delegate to the manager of the State compensation insurance fund, or to any other officer, under such rules and regulations and subject to such conditions as it may from time to time prescribe, any of the powers, functions or duties, conferred or imposed on the commission under the provisions of this act in connection with the State compensation insurance fund, the administration, management and conduct of the business and affairs relating thereto, and the officer or officers to whom such delegation is made may exercise the powers and functions and perform the duties delegated with the same force and effect as the commission, but subject to its approval.

(d) **Commission not Personally Liable.**—The commission shall not, nor shall any commissioner, officer or employee thereof, be personally liable in his private capacity for or on account of any act performed or contract or other obligation entered into or undertaken in an official capacity, in good faith and without intent to defraud, in connection with the administration, management or conduct of the State compensation insurance fund, its business or other affairs relating thereto.

§ 39. **Powers of Manager.**—In conducting the business and affairs of the State compensation insurance fund, the manager of the said fund or other officer to whom such power and authority may be delegated by the commission, as provided by subsection (c) of section 38 hereof, shall have full power and authority:

(1) **To Enter into Contracts.**—To enter into contracts of insurance, insuring employers against liability for compensation and insuring to employees and other persons the compensation fixed by this act.

(2) **To Sell Annuities.**—To sell annuities covering compensation benefits.

(3) **To Decline to Insure.**—To decline to insure any risk in which the minimum requirements of the commission with regard to construction, equipment and operation are not observed, or which is beyond the safe carrying of the State compensation insurance fund, but shall not have power or authority, except as otherwise provided in this subdivision, to refuse to insure any compensation risk tendered with the premium therefor.

(4) **To Reinsure.**—To reinsure any risk or any part thereof.

(5) **To Inspect and Audit Pay-rolls.**—To inspect and audit, or cause to be inspected and audited the pay-rolls of employers applying for insurance against liability for compensation.

(6) **To Make Rules and Regulations.**—To make rules and regulations for the settlement of claims against said fund and to determine to whom and through whom the payments of compensation are to be made.

(7) **To Contract for Treatment.**—To contract with physicians, surgeons and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from said fund.

§ 40. (a) **Commission to Determine Rates With Regard to Hazards.** It shall be the duty of the commission to fix and determine the rates to be charged by the State compensation insurance fund for compensation insurance coverage as herein provided, and such rates shall be fixed with due regard to the physical hazards of each industry, occupation or employment and, within each class, so far as practicable, in accordance with the elements of bodily risk or safety or other hazard of the plant or premises or work of each insured and the manner in which the same is conducted, together with a reasonable regard for the accident experience and history of each such insured, and the means and methods of caring for injured persons, but such rates shall take no account of the extent to which the employees in any particular establishment have or have not persons dependent upon them for support.

(b) **Basis of Rates.**—The rates so made shall be that percentage of the pay-roll of any employer which, in the long run and on the average, shall produce a sufficient sum, when invested at three and one-half per cent interest:

(1) To carry all claims to maturity; that is to say the rates shall be based upon the "reserve" and not upon the "assessment" plan;

(2) To meet the reasonable expenses of conducting the business of such insurance;

(3) To produce a reasonable surplus to cover the catastrophe hazard.

§ 41. **Kinds of Contracts—Temporary Cover—Cancellation.**—The insurance contracts entered into between the State compensation insurance fund and persons insuring therewith may be either limited or unlimited and issued for one year or, in the form of stamps or tickets or otherwise, for one month or any number of months less than one year, or for one day or any number of days less than one month, or during the performance of any particular work, job or contract; provided, that the rates charged shall be proportionately greater for a shorter than for a longer period and that a minimum premium charge shall be fixed in accordance with a reasonable rate for insuring one person for one day. Nothing in this act shall be construed to prevent any person applying for compensation insurance from being covered temporarily until the application is finally acted upon, or to prevent the insured from surrendering any policy at any time and having returned to him the difference between the premium paid and the

premium at the customary short term for the shorter period which such policy has already run. The State compensation insurance fund may at any time cancel any policy, after due notice, upon a *pro rata* basis of premium repayment.

§ 42. **Policies Including Employers.**—The State compensation insurance fund may issue policies, including with their employees, employers who perform labor incidental to their occupations, and including also members of the families of such employers engaged in the same occupation, such policies insuring to such employers and working members of their families the same compensations provided for their employees, and at the same rates; provided, that the estimations of their wage values, respectively, shall be reasonable and separately stated in and added to the valuation of their pay-rolls upon which their premium is computed. Such policies may likewise be sold to self-employing persons and to casual employees, who, for the purpose of such insurance, shall be deemed to be employees within the meaning of sections 12 to 35, inclusive, of this act.

§ 43. **Treasurer Custodian of Fund.**—The treasurer of the State shall be custodian of all moneys and securities belonging to the State compensation insurance fund, except as otherwise provided in this act, and shall be liable on his official bond for the safekeeping thereof. All moneys belonging to said fund collected or received by the commission, or the manager of the State compensation insurance fund, under and by virtue of the provisions of this act, shall be delivered to the treasurer of the State or may be deposited to his credit in such bank or banks throughout the State as he may, from time to time, designate, and such moneys when so delivered or deposited shall be credited by the treasurer to the said fund and no moneys received or collected on account of such fund shall be expended or paid out of such fund without first passing into the State treasury and being drawn therefrom as provided in this act. In like manner there shall be delivered to the treasurer all securities belonging to said fund which shall be held by him until otherwise disposed of as provided in this act.

§ 44. (a) **Monthly Estimate of Current Disbursements.**—The commission shall submit each month to the State board of control an estimate of the amount necessary to meet the current disbursements from the State compensation insurance fund during each succeeding calendar month and, when such estimate shall be approved by the State board of control, the controller is directed to draw his warrant on said fund in favor of said commission for such amount, and the treasurer is authorized and directed to pay the same.

(b) **Monthly Account.**—At the end of each calendar month the commission shall account to the State board of control and the State controller for all moneys so received, furnishing proper vouchers therefor.

(c) **Semi-annual Valuation.**—During the months of January and of July of each year the State board of control or the commission shall

cause a valuation to be made of the properties and securities which have been acquired and which are held for said fund, and shall report the results of the same to the state controller, whose duty it shall be to keep a special ledger account showing all of the assets pertaining to the state compensation insurance fund. In the controller's general ledger this fund account may be carried merely as a cash account, like other accounts of funds in the state treasury, and therein only the actual cash coming into the state compensation insurance fund shall be credited to such fund.

§ 45. (a) **Investments.**—The commission shall cause all moneys in the state compensation insurance fund, in excess of current requirements, to be invested and reinvested, from time to time, in the securities now or hereafter authorized by law for the investment of funds of savings banks.

(b) **Estimate of Amount Required for Investment.**—The commission shall, from time to time, submit to the state board of control an estimate of the amount required by it for investment, which estimate shall be accompanied by a full description of the kind and character of the investments to be made and, when such estimate shall be approved by the state board of control, the controller is directed to draw his warrant on the state compensation insurance fund in favor of the commission for such amount and the treasurer is authorized and directed to pay the same.

(c) **Account.**—At the end of each calendar month the commission shall account to the said board of control and the state controller for all moneys so received, furnishing proper vouchers therefor.

(d) All moneys in said fund, in excess of current requirements and not otherwise invested, may be deposited by the state treasurer from time to time in the banks authorized by law to receive deposits of public moneys under the same rules and regulations that govern the deposit of other public funds and the interest accruing thereon shall be credited to the state compensation insurance fund.

§ 46. **Public Corporation may Insure.**—Each county, city and county, city, school district or other public corporation, within the state, may insure against its liability for compensation, with the state compensation insurance fund and not with any other insurance carrier unless such fund shall refuse to accept the risk when the application for insurance is made, and the premium therefor shall be a proper charge against the general fund of each such political subdivision of the state.

§ 47. **Public Officers to Transmit Applications.**—When the premium rates for insurance in the state compensation insurance fund shall have been established the commission shall furnish schedules of rates and copies of the forms of policy to the commissioner of labor, to the clerk and to the treasurer of every county, city and county, and city in the state, and it shall be the duty of every public officer to whom the fore-

going may be furnished to fill out and transmit to the manager of the state compensation insurance fund applications for compensation insurance in such fund and to receive and transmit to said manager all premiums paid on account of any policy issued or applied for.

§ 48. **Quarterly Reports.**—The commission shall each quarter make to the governor of the state, reports of the business done by the state compensation insurance fund during the previous quarter, and a statement of the fund's resources and liabilities, and it shall be the duty of the state board of control to audit such reports and to cause an abstract thereof to be published one or more times in at least two newspapers of general circulation in the state. The commission shall likewise make to the state insurance commissioner all reports required by law to be made by other insurance carriers.

§ 49. **Misrepresenting Pay-roll—Penalty.**—Any employer who shall willfully misrepresent the amount of the pay-roll upon which his premium under this act is to be based shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid had his pay-roll been correctly computed, and the liability to the state under this section shall be enforced in a civil action in the name of the state compensation insurance fund and any amount so collected shall become a part of said fund.

§ 50. **Misrepresenting Pay-roll—Punishment.**—Any person who willfully misrepresents any fact in order to obtain insurance at less than the proper rate for such insurance, or in order to obtain any payments out of such fund, shall be guilty of a misdemeanor.

§ 51. **Terms Construed.**—The following terms, as used in sections 51 to 72, inclusive, of this act, shall, unless a different meaning is plainly required by the context, be construed as follows:

(1) **Place of Employment.**—The phrase "place of employment" shall mean and include every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any industry, trade, work or business is carried on, or where any process or operation directly or indirectly related to any industry, trade, work or business, is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed solely in farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising or in household domestic service.

(2) **Employment.**—The term "employment" shall mean and include any trade, work, business, occupation or process of manufacture, or any method of carrying on such trade, work, business, occupation or process of manufacture in which any person may be engaged, except where persons are employed solely in farm, dairy, agricultural, viticultural or horticultural labor, in poultry or stock raising or in household domestic services.

(3) **Employer.**—The term “employer” shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee.

(4) **Employee.**—The term “employee” shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment.

(5) **Order.**—The term “order” shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act.

(6) **General Order.**—The term “general order” shall mean and include such order made, under the safety provisions of this act, as applies generally throughout the state to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(7) **Local Order.**—The term “local order” shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city or of any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction.

(8) **Safe and Safety.**—The terms “safe” and “safety” as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit.

(9) **Safety Device and Safeguard.**—The terms “safety device” and “safeguard” shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger.

§ 52. **Employer to Protect Employees.**—Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

§ 53. **Employment or Place of Employment to be Safe.**—No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and



no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees, and no such employer shall occupy or maintain any place of employment that is not safe.

§ 54. **Construction of Place of Employment.**—No employer, owner or lessee of any real property in this state shall construct or cause to be constructed any place of employment that is not safe.

§ 55. **Interference With Protective Device by Employee.**—No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

§ 56. **Supervision by Commission.**—The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this state as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment.

§ 57. **Protective Powers of Commission.**—The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise:

(1) **To Prescribe Methods of Protection.**—To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) **To Fix Standards of Protection.**—To fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

(3) **To Fix Standards for Construction.**—To fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

(4) **To Require Any Other Act.**—To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.

(5) **To Prescribe Form of Reports.**—To declare and prescribe the general form of industrial accidents reports, the accidents to be reported and the information to be furnished in connection therewith,

and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the commission from requiring supplemental accident reports.

**§ 58. Notice of Hearing for Purpose of Considering General Safety Order.**—Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section 57 hereof, the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city and county of San Francisco, and also in one or more daily newspapers of general circulation published and circulated in the county of Los Angeles, such newspapers to be designated by the commission for that purpose. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.

**§ 59. Order to Render Employment or Place of Employment Safe.** Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employments and places of employment and may in said order direct that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used, as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.

**§ 60. Time for Compliance.**—The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

**§ 61. Summary Investigation.**—Whenever the commission shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings, and after a hearing upon such notice as it may prescribe, the commission may enter and serve such order as may be necessary relative thereto, anything in this act to the contrary notwithstanding.

**§ 62. Compliance With Orders.**—Every employer, employee and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or pre-

scribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation.

§ 63. **Review by Courts.**—The orders of the commission, general or special, its rules or regulations, findings and decisions, made and entered under the safety provisions of this act, may be reviewed by the courts specified in sections 84 and 85 of this act and within the time and in the manner therein specified and not otherwise.

§ 64. **Standard of Safety to be Construed With Local Order.**—Nothing contained in this act shall be construed to deprive the board of supervisors of any county, or city and county, the board of trustees of any city, or any other public corporation or board or department, of any power or jurisdiction over or relative to any place of employment; provided, that whenever the commission shall, by order, fix a standard of safety for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the county, city and county, or city to which it may apply, establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the commission.

§ 65. **Further Powers.**—The commission shall have further power and authority:

(1) **Museums of Safety.**—To establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of the life and safety of employees, and to publish and distribute bulletins on any phase of this general subject.

(2) **Lectures.**—To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases and related subjects.

(3) **Advisers.**—To appoint advisers who shall, without compensation assist the commission in establishing standards of safety and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

§ 66. **Rules Conclusively Presumed Reasonable.**—Every order of the commission, general or special, its rules and regulations, findings and decisions, made and entered under the safety provisions of this act shall be admissible as evidence in any prosecution for the violation of any of the said provisions and shall, in every such prosecution, be

conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution for such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted as provided in sections 81 to 85, inclusive, of this act and not then finally determined.

§ 67. **Penalty for Violation of Safety Provision—Burden of Proof.** Every employer, employee or other person who, either individually or acting as an officer, agent or employee of a corporation or other person, violates any safety provision contained in sections 52, 53, 54 or 55 of this act, or any part of any such provision, or who shall fail or refuse to comply with any such provision or any part thereof, or who, directly or indirectly, knowingly induces another so to do is guilty of a misdemeanor. In any prosecution under this section it shall be deemed *prima facie* evidence of a violation of any such safety provision, that the accused has failed or refused to comply with any order, rule, regulation or requirement of the commission relative thereto and the burden of proof shall thereupon rest upon the accused to show that he has complied with such safety provision.

§ 68. **Continuing Violation.**—Every violation of the provisions contained in section 52, 53, 54, or 55, of this act, or any part or portion thereof, by any person or corporation is a separate and distinct offense, and, in the case of a continuing violation thereof, each day's continuance thereof shall constitute a separate and distinct offense.

§ 69. **Accident Prevention Fund.**—All fines imposed and collected under prosecutions for violations of the provisions of sections 51 to 72 inclusive of this act, shall be paid into the state treasury to the credit of the "accident prevention fund," which fund is hereby created.

§ 70. **Divulging Confidential Information.**—It shall be unlawful for any member of the commission, or for any officer or employee of the commission, to divulge to any person not connected with the administration of this act any confidential information obtained from any person, concerning the failure of any other person to keep any place of employment safe, or concerning the violation of any order, rule or regulation issued by the commission. Any member of the commission or any officer or employee of the commission divulging such confidential information shall be guilty of a misdemeanor.

§ 71. (a) **Report of Accident.**—Every employer of labor, and every insurance carrier, is hereby required to file with the commission, under such rules and regulations as the commission may from time to time make, a full and complete report of every accident to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the commission in such form and such detail as the commission shall from time to time prescribe, and shall make specific answers to all questions required by the commission under its rules and regulations. Any

such employer or insurance carrier who shall furnish such report shall be exempt from furnishing any similar report or reports authorized or required under the laws of this state.

(b) **Filling Blanks.**—Every employer or insurance carrier receiving from the commission any blanks with directions to fill out the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case he is unable to answer any such questions a good and sufficient reason shall be given for such failure.

(c) **Information to be Secret.**—No information furnished to the commission by an employer or an insurance carrier shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any information shall be guilty of a misdemeanor.

§ 72. (a) **Investigating Cause of Accidents.**—The commission shall investigate the cause of all industrial accidents occurring within the state in any employment or place of employment, or directly or indirectly arising from or connected with the maintenance or operation of such employment or place of employment, resulting in personal injury or death and requiring, in the judgment of the commission, such investigation; and the commission shall have the power to make such orders or recommendations with respect to such accidents as may be just and reasonable, provided that neither the order nor the recommendation of the commission, nor any accident report filed with the commission, shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

(b) **Right to Enter Place of Employment.**—For the purpose of making any investigation which the commission is authorized to make under the provisions of this section, or for the purpose of collecting statistics or examining the provisions made for the safety of employees, any member of the commission, inspector or other person designated by the commission for that purpose, may enter any place of employment.

(c) **Obstructing Commission.**—Any employer, insurance carrier or any other person who shall violate or omit to comply with any of the provisions of this section, or who shall in any way obstruct or hamper the commission, any commissioner or other person conducting any investigation authorized to be undertaken or made by the commission, shall be guilty of a misdemeanor.

§ 73. (a) **Jurisdiction.**—All proceedings for the recovery of compensation, or concerning any right or liability arising out of or incidental thereto, or for the enforcement against the employer or an insurance carrier of any liability for compensation imposed upon him by this act in favor of the injured employee, his dependents or any

third person, or for the determination of any question as to the distribution of compensation among dependents or other persons or for the determination of any question as to who are dependents of any deceased employee, or what persons are entitled to any benefit under the compensation provisions of this act, or for obtaining any order which by this act the commission is authorized to make, shall be instituted before the commission, and not elsewhere, except as otherwise in this act provided, and the commission is hereby vested with full power, authority and jurisdiction to try and finally determine all such matters, subject only to the review by the courts in this act specified and in the manner and within the time in this act provided.

(b) **Orders, Rules, Findings, and Awards—Presumed Lawful.**—All orders, rules and regulations, findings, decisions and awards of the commission in conformity with law shall be in force and shall be *prima facie* lawful; and all such orders, rules and regulations, findings, decisions and awards shall be conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the commission or upon a review by the courts in this act specified and within the time and in the manner herein specified.

§ 74. (a) **Notice, Order or Decision—How Served.**—Any notice, order or decision required by this act to be served upon any person or party either before, during or after the institution of any proceeding before the commission, may be served in the manner provided by chapter V, title XIV of part II of the Code of Civil Procedure of this state, unless otherwise directed by the commission or a member thereof, in which event the same shall be served in accordance with the order or direction of said commission or member thereof.

(b) **Power to Serve Process.**—The secretary, assistant secretary and the inspectors appointed by the commission shall have all of the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of this state.

(c) **Service on Public Corporation.**—Any such notice, order or decision affecting the state or any city and county, city, school district or public corporation therein, shall be served upon the same officer, officers, person or persons, upon whom the service of similar notices, orders or decisions is authorized by law.

§ 75. **Further Powers.**—The commission shall have full power and authority:

(1) **Rules of Practice.**—To adopt reasonable and proper rules of practice and procedure;

(2) **Minors and Incompetent Persons.**—To regulate and provide the manner, and by whom, minors and incompetent persons shall appear and be represented before it;

(3) **Trustees or Guardians ad Litem.**—To appoint a trustee or guardian *ad litem* to appear for and represent any such minor or incompetent

upon such terms and conditions as it may deem proper; and such guardian or trustee must give a bond in the same form and of the same character required by law from a guardian appointed by the courts and in such an amount as the commission or a commissioner may fix and determine, such bond to be approved by the commission or a commissioner, and such guardian or trustee shall not be discharged from liability until he shall have filed an account with the commission or with the probate court and such account shall have been approved. The trustee or guardian shall be entitled to receive such compensation for his services as shall be fixed and allowed by the commission or by the probate court;

(4) **Joinder.**—To provide for the joinder in the same proceeding of all persons interested therein, whether as employer, insurance carrier, employee, dependent, creditor or otherwise;

(5) **Notices.**—To regulate and prescribe the kind and character of notices, where not otherwise prescribed by this act, and the service thereof;

(6) **Proofs and Evidence.**—To regulate and prescribe the nature and extent of the proofs and evidence.

§ 76. (a) **Reference.**—The commission may by order entered upon its minutes, upon the agreement of the parties, upon the application of either, or of its own motion, and either with or without notice, direct and order a reference in the following cases:

(1) **To Try Issues and Report.**—To try any or all of the issues in any proceeding before it, whether of fact or of law, and to report a finding, order, decision or award to be based thereon.

(2) **To Ascertain Fact or Make Decision.**—To ascertain a fact necessary to enable the commission to determine any proceeding before it or to make any order, decision or award that the commission is authorized to make under this act, or that is necessary for the information of the commission.

(b) **Referees.**—The commission may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may refer separate matters arising out of the same proceeding to different referees. It may also, in its discretion, appoint general referees who are residents of the county or city and county for which they are appointed and who shall hold office during the pleasure of the commission. Any referee appointed by the commission shall have such powers, jurisdiction and authority as is granted under the law, by the order of appointment and by the rules of the commission and shall receive such salary or compensation for his services as may be fixed by the commission.

(c) **Objection.**—Any party to the proceeding may object to the appointment of any person as referee upon any one or more of the grounds specified in section 641 of the Code of Civil Procedure and such objection must be heard and disposed of by the commission. Affidavits may be read and witnesses examined as to such objections.

(d) **Oath.**—Before entering upon his duties, the referee must be sworn before an officer authorized to administer oaths, faithfully and fairly to hear and determine the allegations and evidence of the parties in relation to the matters in the reference, and to make just findings and report according to his understanding.

(e) **Findings.**—The referee must report his findings in writing to the commission within twenty days after the testimony is closed. Such report shall be made in the form prescribed by the commission and shall include all matters required to be included in the order of reference or by the rules of the commission. The facts found and conclusions of law must be separately stated.

(f) **Action on Report.**—Upon the filing of the report of the referee, the commission may confirm, adopt, modify or set aside the same or any part thereof and may, either with or without further proceedings, and either with or without notice, enter its order, findings, decision or award based in whole or in part upon the report of the referee.

§ 77. (a) **Rules of Evidence—Informality.**—All hearings and investigations before the commission or any member thereof, or any referee appointed thereby, shall be governed by this act and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission nor any member thereof nor any referee appointed thereby shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, award, rule or regulation made, approved or confirmed by the commission.

(b) **Depositions.**—The commission or any member thereof or any party to the action or proceeding may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of books, documents, papers and accounts.

§ 78. **Witnesses.**—The commission and each member thereof, its secretary and referees, shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Each witness who shall appear, by order of the commission or a member thereof, or a referee appointed thereby, shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the commission. When any witness who has not been required to attend at the request of any party is subpoenaed by the commission his fees and mileage may be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any



witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission, member thereof, or referee as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable.

**§ 79. Authority of Superior Court—Contempt.**—The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission or any member thereof or referee appointed thereby, shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including books, accounts and documents, as required by any subpoena issued by the commission or member thereof or referee. The commission or the member thereof or the referee, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been subpoenaed in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission or such member thereof or referee, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the commission, member thereof or referee. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or member thereof or referee, the court shall thereupon enter an order that said witness appear before the commission or member thereof or referee at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission or a member thereof to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

§ 80. (a) **Power, Authority and Jurisdiction.**—The commission is hereby vested with full power, authority and jurisdiction to do and perform any and all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction conferred upon it under this act.

(b) **Power to Issue Writs—Process.**—The commission and each member thereof shall have power to issue writs of summons, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in like manner and to the same extent as courts of record. The process issued by the commission or any member thereof shall extend to all parts of the State and may be served by any persons authorized to serve process of courts of record, or by any person designated for that purpose by the commission or any member thereof. The person executing any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for the fees of witnesses.

§ 81. (a) **Rehearing.**—Any party or person aggrieved directly or indirectly by any final order, decision, award, rule or regulation of the commission, made or entered under any provision contained in this act, may apply to the commission for a rehearing in respect to any matters determined or covered by such final order, decision, award, rule or regulation and specified in the application for rehearing within the time and in the manner hereinafter specified, and not otherwise.

(b) **No Action in Court Unless Application Made.**—No cause of action arising out of any such final order, decision or award shall accrue in any court to any person until and unless such person shall have made application for such rehearing, and such application shall have been granted or denied; provided, that nothing herein contained shall be construed to prevent the enforcement of any such final order, decision, award, rule or regulation in the manner provided in this act.

(c) **Application.**—Such application shall set forth specifically and in full detail the grounds upon which the applicant considers said final order, decision, award, rule or regulation is unjust or unlawful, and every issue to be considered by the commission. Such application must be verified upon oath in the same manner as required for verified pleadings in the courts of record and must contain a general statement of any evidence or other matters upon which the applicant relies in support thereof. The applicant for such rehearing shall be deemed to have finally waived all objections, irregularities and illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing.

(d) **Answer.**—A copy of such application for rehearing shall be served forthwith on all adverse parties, if any, and any such adverse party may file an answer thereto within ten days thereafter. Such answer must likewise be verified. If there are no adverse parties,

such application may be heard *ex parte* or the commission may require the application for rehearing to be served on such parties as may be designated by it.

(e) **Proceeding on Rehearing.**—Upon filing of an application for a rehearing, if the issues raised thereby have theretofore been adequately considered by the commission, it may determine the same by confirming without hearing its previous determination, or if a rehearing is necessary to determine the issues raised, the commission shall order a rehearing thereon and consider and determine the matter or matters raised by such application. Notice of the time and place of such rehearing shall be given to the applicant and the adverse parties, if any, and to such other persons as the commission may order.

(f) **Decision After Rehearing.**—If after such rehearing and a consideration of all the facts, including those arising since the making of the order, decision or award involved, the commission shall be of the opinion that the original order, decision or award or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order, decision or award made after such rehearing, abrogating, changing or modifying the original order, decision or award shall have the same force and effect as an original order, decision or award, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order, decision or award, unless so ordered by the commission. An application for a rehearing shall be deemed to have been denied by the commission unless it shall have been acted upon within thirty days from the date of filing; provided, however, that the commission may upon good cause being shown therefor, extend the time within which it may act upon such application for rehearing for not exceeding thirty days.

§ 82. (a) **Rehearing of Order Awarding or Denying Compensation—Grounds.**—At any time within twenty days after the service of any final order or decision of the commission awarding or denying compensation, or arising out of or incidental thereto, any party or parties aggrieved thereby may apply for such rehearing upon one or more of the following grounds and upon no other grounds:

(1) **Excess of Powers.**—That the commission acted without or in excess of its powers.

(2) **Fraud.**—That the order, decision or award was procured by fraud.

(3) **Insufficient Evidence.**—That the evidence does not justify the finding of fact.

(4) **New Evidence.**—That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence have discovered and produced at the hearing.

(5) **Insufficiency of Findings.**—That the findings of fact do not support the order, decision or award.

(b) **Right of Commission to Review.**—Nothing contained in this section shall, however, be construed to limit the right of the commission, at any time within two hundred forty-five weeks from the date of its award, and from time to time, after due notice and upon the application of any party interested, to review, diminish or increase, within the limits provided by this act, any compensation awarded upon the grounds that the disability of the person in whose favor such award was made has either increased or diminished or terminated.

§ 83. (a) **Rehearing of Any Other Order—Grounds.**—At any time within twenty days after the service of any other final order, decision, rule or regulation made by the commission under the provisions of this act, any party or parties, person or persons aggrieved thereby or otherwise affected, directly or indirectly, may apply for such rehearing upon one or more of the following grounds and upon no other grounds:

(1) **Excess.**—That the commission acted without or in excess of its powers.

(2) **Fraud.**—That the order or decision was procured by fraud.

(3) **Unreasonableness.**—That the order, decision, rule or regulation is unreasonable.

(b) **Right of Commission to Adopt New Standards.**—Nothing contained in this section shall be construed to limit the right of the commission, at any time and from time to time, to adopt new or different rules or regulations or new or different standards of safety, or to abrogate, change or modify any existing rule, regulation, or standard, or any part thereof, or to deprive the commission of continuing jurisdiction over the same or to prevent the enforcement in the manner provided by this act, of any rules, regulations or standard of the commission, or any part thereof, when so adopted, or changed, or modified.

§ 84. (a) **Certiorari.**—Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, any party affected thereby may apply to the Supreme Court of this State or to the District Court of Appeal of the appellate district in which such person resides, for a writ of *certiorari* or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order, decision or award or the order, decision or award on rehearing inquired into and determined.

(b) **Return.**—Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day the cause shall be heard in the court unless for good cause the same be continued. No new or additional evidence may be introduced in such court but the cause shall be heard on the record to the commission as certified to by it. The review shall not be extended further than to determine whether or not:

(1) **Excess.**—The commission acted without or in excess of its powers.

(2) **Fraud.**—The order, decision or award was procured by fraud.

(3) **Unreasonableness.**—The order, decision, rule or regulation is unreasonable.

(4) **Whether Findings Support Decision.**—If findings of fact are made, whether or not such findings of fact support the order, decision or award under review.

(c) **Findings and Conclusions Conclusive.**—The findings and conclusions of the committee on questions of fact shall be conclusive and final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the court shall enter judgment either affirming or modifying or setting aside the order, decision or award.

(d) **Proceedings in the Courts—Jurisdiction to Review—Mandamus.** The provisions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with this act, apply to proceedings in the courts under the provisions of this section. No court of this State (except the Supreme Court and the District Courts of Appeal to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order, decision or award of the commission or to suspend or delay the operation or execution thereof, or to restrain, enjoin or interfere with the commission in the performance of its duties; provided, that a writ of *mandamus* shall lie from the Supreme Court or the District Courts of Appeal in all proper cases.

§ 85. (a) **Effect of Filing Application for Rehearing.**—The filing of an application for a rehearing shall have the effect of suspending the order, decision, award, rule or regulation affected, in so far as the same applies to the parties to such application, unless otherwise ordered by the commission, for a period of ten days, and the commission may, in its discretion and upon such terms and conditions as it may by order direct, stay, suspend or postpone the same during the pendency of such rehearing.

(b) **Stay of Proceedings on Review.**—The filing of an application for, or the pendency of, a writ of review, shall not of itself stay or suspend the operation of the order, decision, award, rule or regulation of the commission subject to review, but the court before which such application is filed may, in its discretion, stay or suspend in whole or in part the operation of the order, decision, award, rule or regulation of the commission, subject to review upon such terms and conditions as it may by order direct.

§ 86. (a) **Rule of Construction.**—Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(b) **Constitutionality.**—If any section, subsection, subdivision, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

(c) **Employers Engaged in Interstate Commerce.**—This act shall not be construed to apply to employers or employments which, according to law, are so engaged in interstate commerce as not to be subject to the legislative power of the State or to employees injured while they are so engaged, except in so far as this act may be permitted to apply under the provisions of the constitution of the United States or the acts of Congress.

§ 87. (a) **Election to Come Under This Act.**—Any employer, having in his employment any employee not included within the term "employee" as defined by section 14 of this act or not entitled to compensation under this act, and any such employee, may, by their joint election, elect to come under the compensation provisions of this act in the manner hereinafter provided.

(b) **Election on Part of Employer.**—Such election on the part of the employer shall be made by filing with the commission a written statement to the effect that he accepts the compensation provisions of this act, which, when filed, shall operate, within the meaning of section 12 of this act, to subject him to the compensation provisions of this act, and of all acts amendatory thereof, for the term of one year from the date of filing, and thereafter without further act on his part for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of the commission a notice in writing that he withdraws his election. Such acceptance shall not be held to include employees whose employment is both casual and not in the usual course of the trade, business, profession or occupation of the employer, unless expressly mentioned therein.

(c) **Employee Deemed to have Accepted.**—Any employee in the service of any such employer, shall be deemed to have accepted, and shall, within the meaning of section 12 of this act, be subject to the compensation provisions of this act, and of any act amendatory thereof, if, at the time of the accident for which liability is claimed:

(1) The employer charged with such liability is subject to the compensation provisions of this act, whether the employee has actual notice thereof or not; and

(2) Such employee shall not, at the time of entering into his contract of hire, have given to his employer notice in writing that he elects not to be subject to the compensation provisions of this act; or, in the event that such contract of hire was made in advance of the election

by the employer, such employee shall have given to his employer notice in writing that he elects to be subject to such provisions, or without giving either of such notices, shall have remained in the service of such employer for thirty days after the employer has filed his election.

§ 88. **Report to the Governor.**—The commission shall, not later than the first day of December of each calendar year, subsequent to the year 1913, make a report to the governor of the State covering its entire operations and proceedings for the previous fiscal year, with such suggestions or recommendations as it may deem of value for public information. Such report shall be printed and a copy thereof furnished to all applicants within this State.

§ 89. **Appropriation.**—The sum of one hundred eighty-seven thousand four hundred seventy dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to be used by the industrial accident commission in carrying out the purposes of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said industrial accident commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

§ 90. **Acts Repealed.**—All acts or parts of acts inconsistent with this act are hereby repealed.

§ 91. **Not Voted Active.**—The compensation provisions of this act shall not apply to any injury sustained prior to the taking effect thereof.

§ 92. **Act in Force 1914.**—This act shall take effect and be in force on and after the first day of January, A. D. 1914.

## **RULES OF THE INDUSTRIAL ACCIDENT BOARD OF CALIFORNIA.**

The following rules went into effect under the provisions of chapter 399, Laws 1911, and will probably be the basis of new rules by the new commission under the act of 1913.

**Rule I. Preliminary.**—Chapter 399, Laws 1911, may be cited as the "Employers' Liability Act," and these rules as the "Industrial Accident Board Rules." All words and phrases used in these rules shall have the same meaning as is given to the same words and phrases in sections 3 to 31 of the "Employers' Liability Act."

**Rule II. Office of Industrial Accident Board.**—The office of the Industrial Accident Board is hereby established at room 907, Royal Insurance Building, Pine and Sansome streets, San Francisco. Such office shall be open during such hours as are fixed by law for the transaction of public business. The board may from time to time hold public sessions in such other places in the State as convenience may require.

**Rule III. Posting of Notices.**—Employers shall immediately post, and keep posted, all notices required to be posted by the Industrial Accident Board, in conspicuous places in their offices and works, where such notices are most likely to be seen and read by their employees.

**Rule IV. Reports.**—Employers and physicians attending injured employees shall, within ten days after the happening of an accident causing a loss of industrial time lasting more than one week, make a full report thereof to the Industrial Accident Board. In any case where a compromise of liability for accident is made directly by the employer and employees, a full report of such compromise shall be immediately made by the employer to the Industrial Accident Board.

**Rule V. Parties to Proceedings.**—When a controversy arises concerning any matter over which the Industrial Accident Board has jurisdiction, any party to the controversy may apply to the board for relief. The party making such application shall be known as the "applicant." All other persons necessary to enable the board effectively and completely to adjudicate upon and settle all questions involved, shall be made parties to the application and shall be known as the "respondents."

An application on behalf of the dependents of a deceased workman for the settlement of a controversy may be made by the legal personal representatives (if any) of the deceased workman on behalf of such dependents or by the dependents themselves. All such dependents shall be joined in the application either as applicants or respondents.

An application for the settlement of a controversy respecting medical attendance or the burial expense of a workman who leaves no dependents shall be made by the legal representatives (if any) of the deceased workman. If there are no such personal representatives, the application may be made by any creditor to whom any such expenses are due, and all other such creditors known as the applicant must be joined as respondents. If the amount awarded is not sufficient for the payment of such expenses in full, it shall be divided in proportion to the respective amounts found to be due.

**Rule VI. Joinder of Parties.**—All persons may be joined as applicants in whom any right to any relief in respect of or arising out of the same transaction or series of transactions is alleged to exist.

All persons may be joined as respondents against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative, and the board will of its own motion order that any additional party or parties be joined, when it deems their presence necessary.

**Rule VII. Pleadings.**—(1) Application. The applicant shall file a written application for relief with the Industrial Accident Board, containing the names of all parties, a general statement of the claim in controversy, the facts relating thereto, and of the relief sought to be obtained. The board will thereupon fix a time and place for the hearing thereof, which shall not be more than forty (40) days after such



filing and will serve a copy of such application, together with the notice of hearing, upon each adverse party. Either party shall have the right to be present at any hearing, in person or by attorney or any other agent, and present such testimony as shall be pertinent to the controversy.

(2) **Answer.** When any respondent desires to disclaim any interest in the subject matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete or desires to bring any fact, paper or document to the attention of the board as a defense to the claim or otherwise, he must, within ten days after the service of the application, file with or mail to the board his answer, setting forth the particulars in which the application is inaccurate or incomplete and the facts upon which he intends to rely. A copy thereof must likewise be served upon each party to the proceedings. Any material allegation contained in the application and not controverted in the answer will be deemed to be admitted.

**Rule VIII. Service of Pleadings.**—Any pleading or document may be served either by delivering to and leaving with the person to be served, a copy thereof, or by mailing to such person, by United States registered mail a copy thereof in a sealed envelope, with the postage thereon fully prepaid, addressed to such person at his last known place of business or residence.

Where a pleading or document is served by mail, it shall, unless the contrary be proved, be deemed to have been served, at the time when the letter containing the same would have been delivered in the ordinary course of post. Proof of such mailing shall be *prima facie* proof of service.

**Rule IX. Awards.**—An award may be rendered in favor of or against any one or more of the applicants or respondents, according to their respective rights and liabilities. In every award the compensation to be paid to each person shall be set forth separately.

**Rule X. Examiner.**—Whenever convenience may require, the Industrial Accident Board will appoint an examiner, whose duty it shall be to aid the board in making settlements between employers and employees, conduct investigations, take testimony, and to make report of any and all matters relating to the claim in controversy to the board. The board may at any time, and with or without notice to either party, cause testimony to be taken, or any other investigation to be made.

**Rule XI. Depositions.**—Depositions may be taken before any notary public or other officer authorized to administer oaths, and, when so taken, used upon any hearing where the convenience of the witnesses requires. Such depositions shall be taken upon notice in the same manner as in courts of records.

**Rule XII. Stenographic Reporter.**—Either party may, upon payment of the costs attendant thereon, require that the testimony pro-

duced at any hearing be taken down and transcribed by a shorthand reporter.

**Rule XIII. Amendments.**—The board, or any member thereof, may at any time, with or without notice, upon good cause shown, permit any amendment to any pleading or open up any default.

The board may amend or modify or vacate any order or award upon motion of either party or upon its own motion. The moving party shall serve upon all other parties to the proceeding a notice of such motion five days prior to the time when the same is to be heard, unless otherwise ordered by the board or a member thereof.

**Rule XIV. Extension of Time.**—The board, or any member thereof, may, either with or without notice, grant extensions of time within which to comply with any rule upon good cause shown, and may likewise grant adjournments of hearings.

**Rule XV. Stipulations.**—Parties to a controversy may stipulate the facts in writing, and the board may thereupon make its order or award based upon such stipulation.

**Rule XVI. Exceptions.**—At any hearing had before the board, or before any examiner appointed by it, a note shall be made of any question of law raised or exception taken and of the facts in evidence in relation thereto.

**Rule XVII. Appeals.**—Any party aggrieved may, within thirty (30) days from the date of the award, file with the Industrial Accident Board an application, in writing, for a review of such award, stating generally the grounds upon which a review is sought, the points upon which he relies, and the facts in evidence relating thereto. A copy of such application shall at the same time be served by the appellant upon all adverse parties. The adverse party or parties may, within ten (10) days thereafter, file with the board an answer to such application for review, stating generally his objections, his points, and the facts in evidence in relation thereto. The board will thereupon prepare and certify a transcript of the testimony taken and transmit the same, together with all documents and papers on file in the matter, to the Superior Court.

It is hereby ordered that the foregoing rules be, and the same are, adopted as the rules governing the Industrial Accident Board, and for the regulation of practice, and that the same go into effect forthwith.  
San Francisco, October 25, 1911.

## INSTRUCTIONS AND SCHEDULES.

**General Notice.**—The Rules and Instructions, Rates and Classifications, given herewith take effect January 1, 1914. In every manual there must be, of necessity, opportunities for improper classification, and for the evasion of the true spirit of the manual. The fund must rely upon its representatives to apply the manual fairly and equitably

to the conditions encountered in the solicitation of business. An effort to assign a risk to some manual classification, which may be misinterpreted to cover it, is improper, and will not be approved by the fund. Representatives are requested to seek a manual classification which most fairly and adequately represents the hazard involved in the risk. No perversion of the classification or evasion of the requirements of this manual will be permitted.

**General Instructions.**—Representatives of the fund should read very carefully the rules, classifications, and rates contained in this manual. No deviation or alteration will be permitted, except as they are promulgated officially by the fund. When changes in this manual are made, agents will be notified as promptly as possible, and they shall thereupon enter such changes herein, and be governed thereby.

Representatives must be especially careful to see that every portion of the application or proposal for insurance is correctly prepared, as this is the basis of the insurance contract, and any inaccuracy or uncertainty as to the nature of the risk may lead to serious misunderstanding and result in dissatisfaction to the assured, to the fund and to its representatives. Classifications shall be stated as in the manual, and an estimate of pay-roll, with the proper premium rate, shall appear in all applications or proposals.

**Residences, Farms and Estates.**—For employees in connection with residences, farms or estates the following rates shall apply:

**Residences:** For each "chauffeur," see classification.

For each "coachman," see classification.

For each "gardener," "choreman," or "general laborer," \$6 per annum.

For each "house servant," \$4 per annum.

For intermittent labor (meaning occasional employment of persons for general labor) a blanket charge of \$7 per annum.

**Farms:** For all employees including house servants a rate of \$1.50 for each \$100 of actual cash wages exclusive of board and lodging.

**Estates:** For each "chauffeur," see classification.

For each "coachman," see classification.

For each "farm laborer," see classification.

For each "gardener," "choreman," or "general laborer," \$6 per annum.

For each "house servant," \$4 per annum.

For intermittent labor (meaning occasional employment of persons for general labor) a blanket charge of \$7 per annum.

**Minimum Premiums.**—A minimum premium is an expression of the lowest premium amount for which a single risk can be written and carried for any period. Where the actual premium computed at the rates is less than the minimum premium the minimum premium shall be the controlling premium for the policy, but where the actual premium computed at the rates is more than the minimum premium, the actual premium shall control. In the event of the cancellation of any

policy of insurance or contract with the policy-holder according to its terms, if the minimum premium expressed in the policy is the controlling premium, cancellation shall be upon the basis of the minimum and in accordance with the rules respecting cancellation.

In the case of any risk classified in any schedule except the Contractors' Schedule, where work is performed away from shop or plant, the assured shall be instructed in all such cases that a separate record of pay-roll must be kept and proper rates applied thereto in accordance with the rates and classifications contained in the Contractors' Schedule.

**Rates.**—The rates cover the entire obligation of compensation for bodily injuries imposed by Chapter 176, Laws of 1913, State of California, including the obligation for statutory medical aid provided in paragraph (a) of section 15. It is not permissible to write a compensation coverage policy including statutory medical aid.

The rates are based on the average hazard in each classification, omitting, however, the hazard involved in any part thereof, for which provision for separate rating has been made. In applying these rates to particular risks, additions or deductions will be made according as the physical inspection of each such risk shows it to be above or below the average for which the rate was formed.

The fund further reserves the right to arbitrarily or specifically rate any risk which may, in the opinion of the fund, require such arbitrary or specific rating.

**Medical Aid.**—Paragraph (a) of section 15 of the compensation law provides that an injured employee shall be furnished such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, as may reasonably be required at the time of the injury and thereafter during the disability, but not exceeding ninety days, to cure and relieve from the effects of the injury, the same to be provided by the employer; and in case of his neglect or refusal seasonably to do so the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same. This provision is a part of the compensation plan.

Compensation rates include this obligation. Compensation coverage cannot be written to exclude this obligation.

**Pay-roll.**—The employer who desires to insure his workmen's compensation obligation must cover all its operations and include all pay-roll of any nature at the proper rates. The term "pay-roll" shall be understood to mean any form of remuneration received by an employee of any character or grade, whether such remuneration is in the form of wages, salaries, allowances, bonuses, board, store certificates, contract price for piece-work, or any other consideration moving from the employer to the employee as a part of the contract of employment. The pay-roll shall not, however, include special reward for meritorious achievement, for discovery, nor pure gratuities, nor the results of voluntary profit-sharing arrangements, provided these or any of them

are no part of the contract of employment, or actual consideration therefor.

**Executive Officers.**—"Executive Officers" shall mean those officers of a corporation commonly styled as president, vice-president, secretary or treasurer, and shall include, in addition thereto, any other executive officers enumerated in and employed by the charter or any regularly adopted by-law of the corporation and who are elected or appointed and empowered by the directors.

Employers may be practically classed in three divisions: individual, copartnership and corporation. An individual employer obtains his remuneration from his business in the form of profits rather than wages, and his remuneration forms no part of that remuneration which furnishes the basis for premium computation under these rules. A copartnership employer represents an arrangement under which each of the partners draws his compensation out of the business theoretically under the form of undivided profits, but practically in an agreed amount known in business as "drawing account" of partner. This remuneration of the various members of a copartnership, no matter how many there may be, does not become a part of the remuneration which furnishes the basis for premium computation.

These conditions find no equivalent where the employer is a corporation, and it is and should be the effort of those devising just and equitable rules for premium distribution to bring all risks to the same level, so far as the character of the employer is concerned, leaving differentials entirely to operations rather than to organization.

In the actual transaction of business the executive officers of a corporation as above defined are in most respects quite like the members of a copartnership as regards the contract of employment.

As respects the remuneration of executive officers as above defined the fund will exclude entirely such remuneration from the pay-roll to which premium rates shall apply, as in this manual provided, or will, at the option of the applicant, include such executive officers within the compensation coverage and no premium charge will be made upon any portion of the earnings of any executive officer in excess of \$1,666.66 per annum; that amount shall be arbitrarily considered the annual earnings of each executive officer for the purposes of compensation coverage, but this rule shall not apply to other employees or to persons other than executive officers as above defined.

**Clerical Office Employees.**—It is permissible to state separately in the schedule the remuneration of office employees in strictly clerical duties, and apply thereto the rates provided in this schedule.

**Teams.**—Where teams are owned or used by an employer the drivers, helpers, and all other employees, either permanently or temporarily employed in connection with such teams shall be included at their actual earnings in the pay-rolls reported. The rate for compensation insurance shall be \$1.50 for each \$100 of wages, except the following classifications: "Boilers (steam) installation of," "Millwrights,"

"Safe Movers," "Iron Workers" and "Scrap Iron and Junk Dealers," for which the rates for the classifications in the Contractors' Schedule shall apply. Also except for coal dealers and logging and lumbering operations, for which the compensation rates of the classifications "Coal Merchants—receiving or shipping by water or by land and water," "Coal Merchants—receiving or shipping by land but not by water" and "Logging and Lumbering operations with transportation of logs to mill (not including operation of logging railroad)" shall apply.

Where teams, including drivers, are employed under a contract with the owner of such team for a compensation, only a portion of which is the actual pay-roll of the drivers, one-third of the actual amount paid for such teams under the contract with the owner shall be considered as the pay-roll of the drivers, and included in the policy-holder's pay-roll to which the compensation rate is applicable.

In some occupations involving the use of teams it is the practice of employers to temporarily engage helpers who are paid by the job or by the hour and discharged when the particular undertaking is ended. These employers are usually known as "roustabouts" or "lumpers." There is no continuity of employment, nor is there regular periodical employment. A roustabout or lumber employed upon a job to-day may never be employed again or may be employed frequently or infrequently at irregular intervals. The question whether or not this constitutes casual employment which is excluded from the operation of the compensation law is a serious one, but in view of the probable intention of the legislature, it seems reasonable to assume that although such employment is in a sense casual, it is in connection with the regular business operation of the employer and should not be so regarded. The provision respecting casual employment was intended for application in other directions, such, perhaps, as the employment of an expressman to deliver a package or a boy to run an errand, something not constantly occurring and not really a part of an employer's regular business. Employees of this character should be included at their actual earnings in the pay-rolls reported.

**Adjacent States.**—For drivers of teams operated in states adjacent to and also in the State of California, the home address of the assured being outside of the limits of the State of California, compensation coverage may be provided, while in the State of California, for \$7.50 per driver. Under no circumstances is this rule to apply to teams stabled or located in the State of California, even though they may operate a portion of the time in other States.

**Loading and Unloading.**—The employees engaged in loading and unloading must be covered by compensation coverage in accordance with these rules. Drivers are to be covered at the rate provided for drivers, subject to the exceptions to that rate, and helpers and all others are to be covered in accordance with the classification which describes the operation undertaken. For example, the unloading of structural iron is covered as to employees at the structural iron rate.

**Chauffeurs.**—"Chauffeurs" shall mean for the purposes of these rules those engaged in the driving of mechanically propelled vehicles customarily used upon the highways, but not including vehicles operated upon tracks. Chauffeurs may be covered under the rules applicable to drivers, but the minimum rate for a chauffeur shall be one-half per cent of his actual pay-roll. This rule applies to chauffeurs both of commercial cars and those engaged in driving private and pleasure cars. Chauffeurs, including those privately employed upon pleasure cars, can only be covered for compensation when their actual pay-roll is included with the regular business of the employer, or, if the employer has no other business pay-roll, a separate policy may be issued to cover the compensation to one or more chauffeurs, in which event the premium rate shall be as above provided. If the chauffeur lives in the household of the employer, or is boarded or supported by him under any arrangement which makes the cost of such board or support a part of his actual earnings, then his cash wages shall be increased by an amount equal to fifty per cent thereof, and such total amount shall be considered and reported as actual pay-roll. No policy upon chauffeurs privately employed apart from the regular business operations of the employer shall be issued for compensation unless the employer shall warrant that he has no other person in his employ, either in his business or in his household, except those included in his policy.

**Limited and Unlimited Insurance.**—The rates given are for unlimited compensation insurance, but the fund reserves the right to decline to insure any risk in which the minimum requirements of the industrial accident commission with regard to construction, equipment and operation are not observed, or which is beyond the safe carrying of the State compensation insurance fund.

The fund further reserves the right to decline to grant unlimited insurance on any risk which, in the opinion of the fund, includes a catastrophe hazard beyond the safe carrying of the State compensation insurance fund.

All classifications appearing in this manual marked with a dagger (†) cannot be written for unlimited insurance without authorization by the management. If accepted for limited insurance only, the limit for any one accident or disaster shall not exceed fifteen thousand dollars (\$15,000), or such an amount less than that sum which, in the opinion of the management, shall be necessary to bring the risk within the safe carrying of the State compensation insurance fund.

For limited compensation insurance the fund may, at its discretion, allow a reduction from the net rate of ten per cent thereof, or such other percentage reduction as may appear to be warranted.

**Additional Interests.**—Two or more employers engaged in a common enterprise involving a common pay-roll may obtain compensation coverage without additional charge because of the additional interests involved, it being understood that there is but one obligation for compensation.

**Draughtsmen.**—It is permissible to state separately in the schedule the remuneration of draughtsmen engaged in strictly office duties and apply thereto the rates provided in the manual for clerical office employees.

In the case of draughtsmen supervising, apply the rates applicable to the hazard in connection with which such draughtsmen are employed.

## CONTRACTORS' SCHEDULE.

**Minimum Premium, \$3.00.**

**Blasting.**—Policies written upon classifications in this schedule marked with an asterisk (\*) and expressed to exclude blasting, may be written to cover blasting by the use of the manual classification, rules, and rates therefor. The insured must be instructed in all cases where the separate blasting rate applies, that the amount of blasting pay-roll expended, as defined under this classification, must be separately kept and reported.

**Railroads.**—The rates in this schedule include the construction, maintenance, and operation by policy-holders of temporary work roads in connection with the work insured, provided such roads are constructed, maintained, and operated exclusively for the prosecution of the work covered by the insurance; that such construction, maintenance and operation is wholly by means of employees of the assured carried on his pay-roll, and that such railroad has no connection with or entry upon the tracks of any other railroad. If conditions are not as above stated, then all pay-rolls engaged in the operation of the road, but not in its construction or maintenance, must be separately kept, stated under the classification, and at the rates provided for railroads in the Miscellaneous Schedule.

This entire rule applies only to the Contractors' Schedule, and not otherwise.

### Classification.

	Rate
Additions to, alteration and repair of insured's existing building or plants (not maintenance of equipment covered as manufacturing operation), excluding the erection or demolition of structural steel or of any fabricated iron or steel product or structure, or the construction of sewers, tunnels, shafts, or subways (only to be written in connection with compensation coverage insurance policies covering manufacturing plants)	6 12
Advertising Sign Mfrs.—Erection and repairing only (to cover only, during actual performance of the work).....	4 37
Architects, supervising.....	3 94
Arms—(Heavy ordinance) Erecting.....	6 12
*Artesian Well Drillers (No blasting).....	2 62
Asphalt Layers—Street or sidewalk (including yards and shops).....	2 45
Autogenous Welding (Oxyacetylene).....	9 19
Automatic Sprinkler—Erection or installation.....	2 62



	Rate
Bells, installation of (Tower bells).....	3 50
Bill Posters (No erection or repair of signs).....	2 62
†Blasting—Pay-roll to include the whole compensation of all employees engaged in the storage, handling, or use of explosives, and all men employed wholly or in part in work preparatory to blasting, such as loading, capping, connecting and firing (policy to be limited when issued to cover blasting only)...	25 00
*Blast Furnaces—Erecting and repairing and relining (No blasting).....	9 19
Boat Builders—Constructing canal boats, scows and barges exclusively.....	3 94
Boat Builders—Iron or steel, where staging or scaffolding is used, not otherwise classified (Including shop and yard work)...	6 56
Boat Builders—Wood, where staging, or scaffolding is used, not otherwise classified (Including shop and yard work).....	5 95
Boat Builders—Constructing or repairing small yachts, sailboats or rowboats exclusively, wood or metal, not exceeding forty feet over all (Including shop and yard work).....	1 75
Boat Builders—Constructing or repairing small yachts, sailboats or rowboats exclusively, wood or metal, not exceeding one hundred and fifty feet over all (Including shop and yard work).....	3 06
Boiler Sealers.....	4 37
Boilers (Steam)—Installation of, and construction of necessary concrete or masonry foundations.....	4 37
Boilers, taking from one place to another.....	3 50
Brewery Vats (Within breweries, both metal and wood—Installation of (See rates, "Millwrights, erecting and repairing machinery").....	
*Bridge Building—Masonry other than concrete (No blasting)..	7 44
*Bridge Building—Metal (No blasting).....	12 25
Bridge Building—Wood (No blasting).....	7 44
Building—Office or mercantile, contractors for janitor work, including cleaning and caretaking, also the operation of the elevators, heating, lighting and power apparatus on the premises.....	2 62
†Building Movers—Other than wooden.....	10 41
†Building Movers—Wooden buildings.....	9 19
†Building—Raising, shoring buildings, removing walls and foundations, columns and piers, and rebuilding same.....	10 41
Buildings, Portable—Erection of.....	3 50
Cabinet Work. See "Carpenters, interior trim."	
Cable (Electric), placing of same in conduits or subways.....	3 06
†Caisson Work for building foundations; pay-roll to include that of all employees working under air pressure and all others engaged in or upon the caissons or the apparatus connected therewith.....	9 19
†Caisson Work for bridges and other subaqueous work; pay-roll to include that of all employees working under air pressure	

	Rate
and all others engaged in or upon the caissons or the apparatus connected therewith.....	11 03
*Canal Excavating (No blasting).....	7 00
*Canal Lock Construction exclusively, with or without excavation (No blasting) .....	8 75
Carpenters—Construction work (Not bridge building).....	4 37
Carpenters—Interior trim and cabinet work only. (This classification does not cover general carpenter work).....	2 45
Carrier Systems inside of mercantile building only—Installation and repair of (Gravity, pneumatic or power).....	2 36
†*Cellar Excavation (No caisson, or subaqueous work), including digging holes and filling them with concrete for foundation for buildings (No blasting) (refer to executive office if unlimited insurance is desired).....	6 12
Chimney Construction—Stone, brick, or concrete, not structural iron or steel (See Masonry Work, building chimneys only).....	
*Clay Digging (No canal, sewer or cellar excavation, or underground mining) (No blasting).....	4 37
Cleaning and renovating stone fronts of buildings.....	7 00
Clearing of land, removing of stumps and grading for agricultural purposes exclusively, with or without blasting.....	2 80
†Concrete Erection—Unit system, construction of concrete columns, beams, roofs, walls and floors in sections, including subsequent erection and placing of same (Refer to executive office if unlimited insurance is desired).....	7 87
†Concrete Mixers (Mechanical), operating of (Refer to executive office if unlimited insurance is desired).....	9 19
†*Concrete Work: Bridge Building—Pay-roll to include those engaged in making, setting up and taking down of frames, scaffolds and false work (No caisson work, no blasting) (Refer to executive office if unlimited insurance is desired) ..	9 19
†*Concrete Work: Building (Not grain elevators), reinforced concrete construction, with self-bearing floors or other horizontal surfaces or parts, constructed by means of reinforced concrete. Pay-roll to include those engaged in making, setting up and taking down of frames, scaffolds and false work (No blasting) (Refer to executive office if unlimited insurance is desired).....	9 10
†*Concrete Work, Buildings (Not grain elevators), concrete construction, without reinforcement, either monolithic in form or by means of blocks, in which floors, beams, and horizontal bearing surfaces are not of reinforced or self-bearing concrete. Pay-roll to include those engaged in making, setting up and taking down of frames and false work (No blasting) (Refer to executive office if unlimited insurance is desired)	6 12
*Concrete Work: Culverts (See Bridge or Building Foundations) (No blasting).	

## Rate

*Concrete Work: Dams. See Waterworks (No blasting).	
Concrete Work: Floors or pavements of artificial stone or concrete, not reinforced or self-bearing.....	2 45
Concrete Work: Foundations for buildings. Pay-roll to include those engaged in making, setting up and taking down frames, scaffolds and false work, excluding all work in tunnels, subways or caissons, for which use proper classifications and rates.....	5 25
Concrete Work: Foundations for piers, or abutments for bridges (Not concrete bridges), retaining walls, water conduits (no tunneling), and other structures (not buildings, bridges or dams). Pay-roll to include those engaged in making, setting up and taking down frames, scaffolds and false work, excluding all work in tunnels, subways or caissons, for which use proper classifications and rates.....	6 12
†Concrete Work: Grain Elevators. Pay-roll to include those engaged in making, setting up and taking down frames, scaffolds and false work (Refer to executive office if unlimited insurance is desired).....	9 10
Conduits, already constructed underground (placing electrical cable or wire therein).....	3 06
*Conduits for electric wires—Construction work (No blasting)..<	5 25
*Contractors building wooden or frame private residences, flats, apartments, flats with stores underneath, one-story stores and stores with offices above, private stables and private garages, exclusively and buildings not mercantile or factory, all not exceeding three stories and basement in height, including jobbing work connected therewith (No blasting). Not available for coverage in a policy which also covers other classes of building construction.....	3 32
NOTE.—This classification does not include the erection of churches, theaters or buildings intended for State, county or municipal use, such as courthouses, city halls or capitol buildings.	
*Contractors building private residences, flats, apartments, flats with stores underneath, one-story stores and stores with offices above, private stables and private garages exclusively, and buildings not mercantile or factory, all not exceeding three stories and basement in height, where outside walls above foundations are wholly or in part of masonry or concrete, including jobbing work connected therewith (no blasting). Not available for coverage in a policy which also covers other classes of building construction.....	4 20

NOTE.—This classification does not include the erection of churches, theaters or buildings intended for State, county or municipal use, such as courthouses, city halls or capitol buildings.

	Rate
Contractors, General—Where all work is subcontracted, or where contractor performs work involving more than one manual classification:	
(a) For watchmen and time-keepers only.....	4 37
(b) For superintendent, watchmen and cleaners.....	4 37
(c) Officers and employees supervising work.....	4 37
NOTE.—Superintendence only cannot be insured except at the highest rated manual classification for any direct work involved.	
Conveyors—Coal and ash, installation of (in connection with power and manufacturing plants).....	7 44
Conveyors and Hoisting Apparatus—Coal and ore, installation of in connection with docks).....	11 03
Coppersmiths (away from shop).....	6 12
Coppersmiths—Installing and erecting appliances, copper and other sheet metals, wholly inside buildings not in course of construction.....	2 62
Cornices and Skylights, repairing and erecting.....	6 12
Corrugated Iron Buildings—Erecting on or covering buildings already constructed (No structural steel work).....	6 12
Cranes and Derricks—Installation of.....	7 44
Crib Work.....	6 12
*Dams—See Waterworks (No blasting).	
Decorators, interior and exterior—Hanging flags and bunting for conventions and celebrations.....	4 81
Decorators—Within buildings only.....	2 01
*Diamond Drilling (No blasting).....	2 62
*Ditch Digging—Irrigation or drainage only. (No sewer or canal building, no blasting).....	3 76
Divers.....	11 37
Door, window frame or sash, erecting and repair—Metal or metal covered.....	2 62
Dredging—By floating dredges.....	5 25
Drilling Work—Prospecting for ore (No shaft sinking, no blasting).....	2 62
Driving of wells for salt mining....	2 62
†Dry Docks—Construction of (No blasting).....	7 35
†Dry (floating) Docks—Construction of.....	5 69
†Dry Docks—Operating docks and repairing of vessels only (No construction of docks).....	9 62
Dumbwaiters—Installation of.....	3 32
Electrical apparatus, erection and repair work only, including the making of service connections and the installation of equipment in power plants, excluding erection of poles and stringing of wires.....	3 06
Electrical equipment, installation and repairs, within buildings, and on buildings incidental to inside work, including the	

	Rate
making of service connections for such work, excluding the installation of equipment in power plants.....	2 01
Electric Light and Power Companies—Construction of transmission lines not intended for local distribution.....	6 56
Electric Light and Power Companies—Construction work exclusively with erection of poles.....	6 56
Elevators (Passenger or freight), erecting.....	6 12
Elevators (Passenger or freight), repairing only.....	3 50
Elevator Gates—Installation of safety gates.....	2 62
Engines (Steam)—Installation of.....	4 37
†Excavating for bases of dams, retaining walls and bridge foundations—No caisson work or cellar excavation (Refer to executive office if unlimited insurance is desired).....	6 12
Farm Machinery—Erecting, repairing, testing and demonstrating	3 50
Fences—Wood, stone, metal or concrete, construction of.....	2 36
Fire Alarms—Municipal systems, construction of.....	5 25
Fire Escapes—Erecting and repairing.....	9 10
Fire inspection of mercantile and manufacturing plants and similar risks.....	2 19
Fireproof Construction—By means of wire lathing and concreting, excluding roofs, floors and horizontal surfaces.....	6 12
Fireproof Construction—Reinforced or suspended concrete floors. See "Concrete Work: Buildings, reinforced concrete construction," etc.	
Fireproof Doors and Shutters—Erecting and repairing inside of buildings exclusively.....	2 62
Fireproof Doors and Shutters—Erecting and repairing outside of buildings.....	9 10
Fireproof Tiles—Construction and repair.....	6 12
Floor surfacing by machines operated by electricity.....	2 45
Fumigation of buildings.....	1 14
Furnaces (Heaters or stoves)—Putting together and setting up in private residences only.....	2 01
Galvanized Iron and Sheet Iron Workers—Erecting and repairing (No tank erection).....	6 12
Gas Machines, Acetylene—Installation in country residences, churches and factories.....	3 50
Gas, steam and hot-water apparatus, fitters and installation of ventilating plants (shop and outside). Must include shop pay-roll, if any.....	2 01
*Gas Works—Laying of mains and connections (No tunneling or blasting). Rates include gas explosion, inhalation or asphyxiation.....	5 25
General Contractors. See "Contractors, general."	
Glaziers (Away from shop).....	2 19
Grading Land—No canal or cellar excavation, excluding railroad construction and road or street making (No quarrying or blasting).....	3 06

	Rate
Gravity Chutes—Erection of.....	4 37
Hod Hoists—Installation, operation and removal of hod elevator and construction hoists.....	7 87
Hot-house Erection.....	2 62
House Furnishing (Not otherwise classified)—Installation of..	87
Iron and Steel Lock Gates—Construction and installation.....	10 94
†Iron Work—Erecting steel and iron frame structures (No bridge building).....	12 25
Iron Work—Erecting balconies, fire-escapes, railings, staircases, coal chutes, iron shutters (Outside of buildings).....	9 10
Iron Work—Placing iron or steel store fronts as alterations of existing building (No new construction).....	9 19
Iron, Ornamental. See Ornamental brass, bronze and iron works within buildings—Erecting.	
Jetty and breakwater building.....	6 12
Jobbing Work on Buildings, other than private residences, exclud- ing iron and steel frame erection and the demolition of build- ings.....	5 25
Ladders—Installation of, in buildings, together with rollers and tracks for same.....	2 36
Lamplighters.....	2 39
*Landscape Garden Work (No blasting).....	2 80
Lathers.....	2 19
Leather Belting—Installation and repair.....	3 06
Lightning Rods—Erecting.....	6 12
Light Prisms—Erecting and repairing (except in pavements and grade floors).....	7 87
Light Prisms—In pavements and grade floors, erecting and re- pairing.....	2 45
Locksmiths—Repairing, fitting and installing locks in completed buildings (Including shop and outside work).....	1 14
Mail Chutes in office buildings—Installation of .....	2 36
Mailing Machines—Installation of. See "Millwrights."	
Mantel Setters and Repairers.....	1 75
Marble and Stone Setters—Inside construction.....	1 75
*Marble and Stone Setters—Away from shop (No blasting).....	6 12
Marble and Stone Work—Decoration in place only.....	4 37
Marine Railway—Construction of.....	5 69
†Marine Railway—Handling boats, displacement 80 tons or less..	2 80
†Marine Railways—Handling boats, displacement over 80 tons..	6 12
†*Masonry Bridges—Other than concrete (No blasting).....	7 44
†*Masonry Work—Building chimneys only (No structural iron or steel) (No blasting).....	9 80
*Masonry Work—(Not otherwise classified) (No blasting).....	6 12
Masonry work in connection with sewers should take the sewer rate and not the "Masonry Work (Not otherwise classified)" rate. This rate to be applied, irrespective of whether the General Contractor subcontracts the masonry work or does it himself.	

	Rate
Mausoleums, Monuments and Mortuary Work—Erecting only....	4 81
Merry-go-rounds, Swings and other similar circular, movable amusement devices—Dismantling, removing, erecting and repairing.....	7 00
Metal Ceiling Work—Installation away from shop.....	2 19
Metallic Lathing.....	2 79
Millwrights—Erecting and repairing machinery.....	3 50
Mosaic Work—Floors only, within buildings.....	1 49
Mural Decorations and setting stained glass windows in churches and public buildings.....	2 01
Office Furniture and Fixtures—Metal, erection of.....	1 92
Oil Producing—Including the driving of wells and putting raw product in vessels or pipe-lines for transportation.....	2 62
Ornamental brass, bronze and iron work within buildings—Erecting.....	5 25
Owners engaged in construction work, or for whom construction work is being done. See "Contractors, General."	
Oxyacetylene Welding (Autogenous welding).....	9 19
Packers—Packing and unpacking furniture and other household utensils. See rates Warehouse and Store Schedule, "Storage furniture."	
Teams—Policy must also be carried to cover moving operations.	
Painting and Decorating (Away from shop).....	4 81
Painting and Decorating—Interior work exclusively (Away from shop).....	2 01
Paper-hangers.....	2 01
Parquet Floor Laying.....	1 49
Paviors (Not otherwise classified), including shop and yard....	2 45
Pile-drivers—Including timber wharf building thereon, if any..	6 12
Pile-driving for building foundations.....	6 12
Plaster Board—Erecting away from shop.....	2 19
Plaster Block (Not fireproof tile), Partitions, erection of, inside of buildings.....	2 19
Plasterers.....	2 19
Plumbers (Including house connections). Must include shop payroll, if any.....	2 01
Pneumatic Tubes—Installation of, including construction of conduits and manholes, and care and maintenance of same (no blasting).....	5 25
Portable Bakers' Ovens—Installation or removal.....	2 36
Portable Buildings—Erection of.....	3 50
Pumps—Erection or installation.....	3 50
*Railroad Construction—Steam (no blasting, tunneling or bridge building), including incidental culverts not more than 10-foot span and steam shovel work.....	6 12
*Railroad Construction—Steam (no blasting, tunneling or bridge building), including incidental culverts not more than 10-foot span (no steam shovel). (Not available for division of payroll).....	4 81

	Rate
*Railroad Construction—Electric, horse or cable, with or without installation of electric equipment or pole lines connected therewith, including incidental culverts not more than 10-foot span; interurban lines exclusively (no blasting, tunneling or bridge building). (Not available for division of pay-roll)...	4 81
*Railroad Construction—Electric, horse or cable, with or without installation of electric equipment or pole lines connected therewith, including incidental culverts not more than 10-foot span; urban lines entirely within the corporate limits of any one city or town (no blasting, tunneling or bridge building). (Not available for division of pay-roll).....	4 11
Railroad Construction—Electric, horse or cable (not including third rail system). Laying or relaying of rails exclusively. (Not available for divided pay-rolls).....	4 11
Railroad Construction—Electric—Rail joint welding in street by molten metal or electricity.....	8 75
Railroad Signal erection or installation (not including operation of railroad).....	5 25
*Refrigerating Company—Excavation and laying and repair of pipe-lines (no blasting).....	5 25
Refrigerating Machinery—Installation of.....	3 50
Riggers—Ship or boat.....	4 55
†Riggers—Not ship or boat.....	9 10
*Road or Street Making (no quarrying), including incidental culverts not more than 10-foot span (no blasting).....	3 06
Roofers—Using exclusively felt, paper, pitch or any bituminous material, with or without a finished surface of gravel, slag or flat tile (not overlapping).....	4 81
Roofers, not otherwise classified.....	6 12
Safe Movers.....	10 50
Safety Tread—Erection and installation.....	2 89
Salt Mining—Including driving wells.....	2 62
†*Salvage Operations—In buildings previously damaged by fire, all operations incidental thereto, including handling, storing and distributing goods (no blasting).....	12 25
*Sand and Gravel Diggers—(No canal, sewer or cellar excavation or grading; no blasting).....	4 37
Sand Excavation by means of suction dredges, including loading and unloading at docks, wharves and elsewhere.....	4 37
Scaffolds—Installation, operation and removal of.....	7 87
NOTE.—This classification is available only to concerns engaged in installing and leasing scaffolds to contractors, including the operation and removal of same when work has been completed.	
†*Scrap Iron and Junk Dealers—Away from shop (no blasting) (refer to executive office if unlimited insurance is desired)...	12 25
†Sewer Building—No limit of depth.....	11 03
†Sewer Building—Maximum depth of excavation 7 feet at any point. (Not available for division of pay-roll).....	9 10



Rate

<b>Masonry work in connection with sewers should take the sewer rate and not the "Masonry Work (not otherwise classified)" rate. This rate to be applied irrespective of whether the General Contractor subcontracts the masonry work or does it himself.</b>	
<b>Sewer Cleaning—Done by inserting a cylinder at one manhole and connecting it with rods from the next manhole and drawing it through the sewer, taking out the sediment in buckets..</b>	6 12
<b>*Sewage Disposal Plants—Construction of, for private houses, institutions or hotels, and not connected with public sewers (no blasting).....</b>	6 12
<b>*Sewage Disposal Plants, public—Not sewer construction or blasting.....</b>	7 44
<b>†Shaft Sinking.....</b>	12 25
<b>Ship or Boat Builders—Wood, where staging or scaffolding is used, not otherwise classified (including shop and yard work)</b>	5 95
<b>Ship or Boat Builders—How, where staging or scaffolding is used. not otherwise classified (including shop and yard work)....</b>	5 95
<b>Shipwrights—Repairing vessels or the machinery therein, while afloat or upon a dry dock.....</b>	7 87
<b>Showcases, outside—Erection and installation of.....</b>	2 01
<b>Shutter Erecting and Repairs—Metal or metal covered.....</b>	9 10
<b>Sidewalk calking.....</b>	2 36
<b>Sign (Advertising) Mfrs.—Erecting and Repairing (to cover only during actual performance of the work).....</b>	4 37
<b>Sign Painting or Lettering—In buildings or structures.....</b>	2 36
<b>Sign Painting or Lettering—On buildings or structures.....</b>	4 29
<b>Silo Erecting—Metal (no blasting).....</b>	12 60
<b>Silo Erecting—Wood.....</b>	7 44
<b>Slaters—Away from shop.....</b>	6 12
<b>†*Smokestacks and Chimneys (Metal)—Erecting (No blasting) ..</b>	11 03
<b>†Smokestacks and Chimneys—Lining of.....</b>	11 03
<b>*Snow and Ice—Removing (No blasting).....</b>	3 50
<b>Soap Dispensers—Installation and Inspection.....</b>	1 14
<b>Soda Water Fountains—Installation and repair.....</b>	2 01
<b>Staff Workers—Erecting buildings or structures.....</b>	7 26
<b>Stairbuilding (wooden).....</b>	2 80
<b>*State or Municipal Road or Street Making, including culverts not exceeding 10-foot span, excluding quarrying or blasting. This classification to include the setting up and taking down of road-making equipment and appliances at the place of work and the operation of road-making machinery or vehicles, with or without horses, or other draft animals; also the operation of trucks, traction engines and steam rollers or other vehicles (Not automobiles) in connection with the work of transporting material, merchandise and equipment to and from the place of work. The wages of all drivers, helpers and others engaged in connection therewith to be included in the pay-roll and subjected to the rates. If teams are hired</b>	

	Rate
by contract, including drivers, then 50 per cent of the contract price of the teams shall be accepted in lieu of drivers' wages.....	3 06
For quarrying charge upon the pay-roll engaged, the rates given in the manual for "Quarries (not lime or cement)."	
Blasting not involved in quarrying operations, charge manual rate.	
Statuary, in connection with mausoleums, monuments or mortuary work—Erection only.....	4 81
Steam Heating—Laying of mains and connections.....	5 25
Steam Pipes or Boilers—Applying cork, asbestos and other non-conducting materials to same.....	2 01
Street Cleaners.....	2 62
*Street or Road Making—(No quarrying) Including incidental culverts not more than 10-foot span (No blasting).....	3 06
†Subways—For passenger and freight traffic—Open cut or cut and cover.....	12 25
†Subways—For passenger and freight traffic—Tunneling only...	12 25
*Tank or Gas Holders (Metal)—Erecting (No blasting).....	11 03
Tank (Wood) Builders—Erecting.....	7 44
Tank (Metal)—Erecting, within buildings exclusively.....	7 87
Telegraph or Telephone—Construction exclusively.....	5 25
Telescopes—Erecting.....	2 01
Theater Stage Rigging—Setting up ornamental, architectural and theater iron work and all mechanical effects over stages of theaters, including hanging of signs, setting stairways, iron beams and lintels, all included in the operation of stage rigging.....	7 00
Thermostats—Installation of.....	2 01
Threshing Machines and Shellers—Operation of.....	5 25
Tile Work—For decorative floors, wainscoting and interior decoration.....	1 75
Tinsmiths—Away from shop.....	6 12
Traction Harvester, Threshing Machine and Farm Machinery—Operation of.....	5 25
Trees—Pruning, spraying, repairing, trimming and fumigating, outside limits of towns and cities.....	4 37
Trees—Pruning, spraying, repairing, trimming and fumigating, in towns and cities.....	4 37
Truck Pointing (Not available for division of pay-roll). This classification to apply to contractors doing this work exclusively.....	7 00
†Tunneling (including all work to completion).....	12 25
†Tunnel Lining only, masonry concrete (for previously driven tunnels otherwise completed by other contractors). (This classification not available if lining is done by contractors constructing tunnel).....	6 12
Upholsterers—Away from shop.....	87

	Rate
Vacuum Cleaning—By means of portable air suction cleaning machines—Rate to be charged on all wages, including drivers..	2 01
Vacuum Cleaning Systems—Installation of.....	2 01
Vaults, Fire and Burglar Proof—Construction and installation...	5 69
Vaults, Prison vaults and cells.....	9 19
Waterproofing cellars and foundations.....	2 36
Waterproofing in or on structures (Not bridges) by means of felt, paper, burlap or pitch (No roofing and no subaqueous work)	2 36
†*Waterworks—Erection of stand-pipes and water-towers (No blasting).....	11 03
*Waterworks—Construction of pumping stations, dams and reservoirs (No blasting).....	6 12
*Waterworks—Laying of mains and connections (No blasting)...	5 25
Weather Strips, in windows and doors—Installation of.....	1 49
Windmill Erecting.....	6 12
Window Calking.....	7 00
Window Cleaning.....	6 12
Window Cleaning Devices—Installation of outside buildings....	7 00
Window Frames (Metal)—Setting in buildings.....	2 62
Window Opening Devices—Installation of.....	2 36
Wire Work (Interior)—Erection only, excluding ornamental brass, bronze or iron work.....	2 36
†*Wreckers—Marine, including salvage operations (No blasting).	7 00
†*Wreckers—Not marine (No blasting).....	12 25

## BAKERS, CONFECTIONERS, ETC., SCHEDULE.

### Minimum Premium, \$1.50.

Adding sugar to cocoa by means of automatic mixer, including packing and labeling of product (Not available for division of pay-roll).....	1 57
Bakers (Bread, biscuit and cracker).....	1 31
Baking Powder Mfrs.....	1 31
Candy Mfrs.....	1 57
Chewing Gum Mfrs.....	1 31
Chocolate Mfrs.....	1 31
Cocoa Mfrs.....	1 31
Confectionery Mfrs.....	1 57
Cracker Mfrs.....	1 31
Ice Cream Mfrs.....	1 31
Licorice Mfrs.....	1 31
Macaroni Mfrs.....	1 31
Pure Food Mfrs. (No milling).....	1 31
Yeast Mfrs.....	1 31

**CHEMICAL PAINT AND DRUG SCHEDULE.****Minimum Premium, \$1.50.**

	Rate
Acid Mfrs. (Not otherwise classified).....	3 33
Aerated Water Mfrs.....	3 70
Alcohol and Acetic Acid Mfrs.....	1 49
Alum Mfrs.....	2 22
Ammonia Mfrs.....	3 33
Aniline and Alizarine Mfrs.....	2 40
Arsenic Mfrs.....	3 33
Assayers and Analytical Chemists (Not available for division of pay-roll), shop work only.....	2 31
Benzine Mfrs.....	3 70
Bleaching Powder Mfrs.....	2 22
Boiler Preservative Compounds Mfrs.....	1 05
Borax Mfrs.....	2 22
Camphor Mfrs.....	1 49
Capsule (Gelatine) Mfrs.....	1 05
Carbonic Acid Gas Mfrs.....	3 70
Chemical Mfrs. (Not otherwise classified).....	3 33
Color (Dry) Mfrs.....	1 05
Creosote Mfrs.....	2 22
Dental Material Mfrs.....	1 05
Disinfectant Mfrs.....	3 33
Drug Mfrs. (Grinding medicines).....	1 05
Essential Oils—Distillation of.....	1 05
Extract (Dyewood) Mfrs.....	2 40
Extract (Tanning) Mfrs.....	2 40
Flavoring Extract Mfrs.....	1 05
Hydrogen and Oxygen Mfrs.....	3 70
Lead (Red) Mfrs.....	3 24
Lead (White) Mfrs.....	3 24
Medicinal Extract Mfrs.....	1 05
Mineral Water Mfrs.....	3 70
Paint Mfrs. (No lead mfg.).....	1 05
Patent Medicine Mfrs.....	1 05
Perfumery and Flavoring Essence Mfrs.....	1 05
Pharmaceutists.....	1 05
Pharmaceutical Goods Mfrs. (Bandages, porous plasters, and like fabrics, not otherwise classified).....	1 05
Putty Mfrs.....	1 05
Saltpetre Mfrs.....	2 22
Soda Ash Mfrs.....	2 22
Soda-bicarbonate Mfrs.....	1 05
Sulphur Mfrs.....	3 33
Tartaric Acid, Mfrs.....	1 49
Varnish Mfrs.....	3 33

	Rate
Vitriol Mfrs.....	3 33
Whiting Mfrs.....	1 05
Wood Preservative Mfrs.....	2 22
Wool Extract Mfrs. (Lanoline).....	1 57

## COACH, CARRIAGE AND WAGON SCHEDULE.

### Minimum Premium, \$1.88.

Stamping—All rates in this schedule include stamping hazard, if any.

Automobile Body (Metal or wood) Mfrs.....	2 25
Automobile Mfrs.....	1 26

NOTE.—This classification applies only to concerns turning out automobiles as finished products, including the manufacturing of such parts as they may manufacture themselves, with assembling and finishing of automobiles, and is not applicable to concerns engaged in the manufacture of specific parts, such as motors, bodies, castings and the like.

Automobile Mfrs. (Assembling of manufactured parts only) (not available for division of pay-roll).....	99
Axle (Wood) Mfrs.....	2 25
Baby Carriage Mfrs. ....	99
Car (railroad) Mfrs. (No steel cars).....	4 05
Carriage, Coach and Wagon Mfrs. (Not manufacturing railroad cars).....	1 17
Carriage, Coach and Wagon Mfrs. (Assembling of manufactured parts only)—Not available for division of pay-roll.....	90
Railroad Car Mfrs. (No steel cars).....	4 05
Wheel (Wood) Mfrs. ....	2 25

## ELECTRIC SCHEDULE.

### Minimum Premium, \$3.00.

Electric Light and Power Companies—Operation, maintenance, extension of lines, and making of service connections.....	6 94
Electric Light and Power Companies—Operation, maintenance, extension of lines and making of service connections, operating no power plant—Power purchased from others. Add 50 per cent to manual rates.	
Electric Light and Power Companies—Transmission lines not for local distribution .....	6 94
Electric Light and Power Companies—Office employees not exposed to operating hazard.....	65
Telegraph and Telephone Companies—Operation, maintenance, extension of lines and making of service connections.....	5 55

	Rate
Telegraph and Telephone Companies—Office and exchange employees only.....	65
<p>If manufacturing or mercantile plants insured at the manufacturing or mercantile rates applicable thereto are engaged in the generating of electricity and supplying the same or any part thereof to other plants or buildings, the manufacturing or mercantile rate applicable to the plant or location covered shall be applied to all pay-rolls in that plant, including the pay-roll engaged in the generation and distribution of the electric current, and in addition thereto there shall be charged as an extra rate upon that portion of the pay-roll actually engaged in the generation and distribution of electric current, including the maintenance of the equipment, a rate equal to 50 per cent of the rates stated in the Electric Schedule under the classification "Electric Light and Power Companies." This rule shall not apply to public service or public utilities plant nor to any plant having for its sole or principal purpose the generation and distribution of electric current.</p>	
<p>NOTE.—Any construction work in connection with any risk insured under the Electric Schedule to be included at the rate for operation, maintenance and extension of lines.</p>	

## LEATHER AND SHOE SCHEDULE.

### Minimum Premium, \$1.50.

Bag Mfrs.—Traveling, portmanteau and valise.....	99
Baseball Mfrs. ....	81
Boot and Shoe Mfrs. ....	65
Boot and Shoe Pattern Mfrs. (not available for division of pay-roll) .....	1 44
Counter, Heel and Sole Cutters—Entire pay-roll to be included without division, except that manual rate may be applied to office pay-roll .....	1 80
Counter, Heel and Sole Cutters—No hand-fed dinking or stamping machines, operated by mechanical power.....	1 44
Curriers .....	1 62
Cut Sole Mfrs.—Entire pay-roll to be included without division, except that manual rate may be applied to office pay-roll....	1 80
Cut Sole Mfrs.—No hand-fed dinking or stamping machines, operated by mechanical power.....	1 44
Cutting Upper Leather—Handwork only.....	1 44
Degreasing Skins—Being a process of removing grease from skins, both tanned and untanned, by means of a naphtha medium.....	6 75
Embossed Leather Mfrs. ....	4 05

	Rate
Enamel Leather Mfrs. ....	1 62
Glove Mfrs. (leather) .....	65
Glove Dressers .....	1 35
Harness and Saddle Mfrs. ....	1 53
Leather Belting Mfrs. ....	1 08
Leather Board Mfrs. (from leather scraps) .....	1 80
Leather Dressers .....	1 80
Leather Embossing .....	4 05
Leather Wearing Apparel and Novelties. ....	90
Mail Bag or Pouch Mfrs. ....	1 08
Morocco Dressers .....	1 80
Patent Leather Mfrs. ....	1 62
Pocketbook Mfrs. ....	1 08
Shoe and Boot Mfrs. ....	65
Shoe Stock Mfrs.—Entire pay-roll to be included without division, except that manual rate may be applied to office pay-roll. ....	1 80
Shoe Stock Mfrs.—No hand-fed dinking or stamping machines operated by mechanical power. ....	1 44
Slipper Mfrs. ....	65
Tanners .....	1 62
Trunk Mfrs. (leather) .....	2 70
Wool Pullers—Consisting of washing the wool on the hide under high water pressure. Operation of a machine which removes all burrs and impurities from the wool, also a fleshing machine which removes the extra particles from the hide, the above process being preparatory to tanning. ....	1 62

## LUMBER SCHEDULE.

Minimum Premium, \$1.88.

Bark Mills .....	4 81
Bark Peeling .....	4 81
Box Mfrs.—No machinery .....	1 66
Box Mfrs.—Steam .....	2 96
Box Mfrs.—Cigar .....	1 66
Box Mfrs. (wire bound)—No manufacturing of lumber used in constructing such boxes .....	2 03
Cooperage Stock Mfrs.—Heads, hoops, staves, etc. ....	4 81
Excelsior Mfrs. ....	4 81
Lath Mfrs. ....	4 81
Last Block Mfrs. ....	2 96
Logging and Lumbering Operations with transportation of logs to mill (not including operations of logging railroad). ....	4 16
Logging Railroad—Operation and maintenance of, not including accidents to passengers (including maintenance and extension of existing lines). ....	11 20

	Rate
Lumber-yard Employees (Commercial yards only) no mill hazard .....	2 40
Lumber Yard Employees (not commercial yard)—To take highest rate for any mill connected therewith.	
Packing Case Mfrs.—No machinery .....	1 66
Packing Case Mfrs.—Steam .....	2 96
Planing and Moulding Mills .....	3 42
Sash, Door and Blind Mfrs. (including outside employees soliciting and measuring only) .....	3 42
Sawmills (Including all employees whose duties require their presence in the mill) .....	4 81
Shingle Mfrs. ....	4 81
Stave Mfrs. ....	4 81
Veneer Mfrs. ....	4 81
Woodyard Employees handling wood exclusively (Commercial yard only)—No mill hazard .....	2 40

## MEAT PACKING-HOUSE AND STOCKYARD SCHEDULE.

### Minimum Premium, \$1.50.

Cattle Dealers (Not operating stockyards; not shipping) .....	4 53
Livestock Shippers .....	6 47
Packing-houses (No handling of livestock or slaughtering) .....	2 90
Packing-houses—Including handling of cattle and slaughtering:	
Annual Pay-roll of \$100,000 or less .....	3 24
Annual Pay-roll in excess of \$100,000 .....	4 53
Pork Packers (See Packing-houses).	
Refrigerator Cars—Loading and unloading of, and caring for freight in cars during transit .....	2 83
Sausage Mfrs. ....	2 90
Sausage Case Mfrs. ....	2 90
Slaughtermen .....	5 83
Stockyards with railroad entry with or without slaughtering ....	6 47

## METAL SCHEDULE.

### Minimum Premium, \$1.50.

**Stamping.**—The term "stamping" as used in this manual applies whenever metals are cut, shaped, pressed or stamped by steam or other mechanical power, and the feeding of the material is done by hand, but not automatically. Classifications in this schedule marked with a star (\*) do not include stamping within the rate named, while all other classifications not



## Rate

so marked include the stamping incidental to the process described in the classification. Where stamping is to be separately rated and charged for, as it must be in the classifications marked with a star (\*), the pay-roll of operatives employed in the work as above defined shall be kept separate from the general pay-roll, and a premium rate charged thereon of

thereon of .....	16 50
Acetylene Gas Machine Mfrs.....	2 16
Adding Machine Mfrs.....	1 05
Aerated and Soda Water Apparatus Mfrs.....	2 16
Aeroplane Mfrs., including overhauling and repairing in shop and outside, excluding operation and demonstration.....	2 16
Agate and Enamel Ware Mfrs.....	6 94
Aluminum Ware Mfrs., from sheet aluminum (No rolling-mill or smelting operations).....	3 33
Anchor Mfrs.....	2 52
Annunciator Mfrs.....	1 14
Arms (Small arms) Mfrs. (Not charging shells).....	1 14
Arms (Heavy ordnance) Mfrs.....	2 52
Autogenous Welding (Oxyacetylene process) shop only.....	5 18
Automatic Slot or Vending Machines, Mfrs. of (Including installation in place, repairs and taking down).....	1 80
Automobile Engine Mfrs.:	
With foundry.....	2 25
Without foundry.....	1 80
Automobile Frame Mfrs.....	3 51
Automobile Lamp and Lantern Mfrs.—Available only to manufacturers who solely manufacture automobile lamps and lanterns. This classification not to be used for purpose of divided pay-roll.....	2 07
Automobile Radiator Mfrs.....	1 22
Automatic Sprinkler Mfrs.....	1 22
Axe Mfrs.—With foundry.....	2 25
Axe Mfrs.—Without foundry.....	1 80
Axle (Metal) Mfrs.....	2 25
Babbitt Metal Mfrs.....	1 80
*Badge (Metal) Mfrs.....	1 80
Battery (Storage) Mfrs. (Manufactured from lead plates).....	4 44
Bedstead Mfrs. (Metal).....	1 80
Bedstead (Metal)—Assembling manufactured parts only (No stamping).....	1 22
Bell Foundry.....	2 25
Bicycle and Bicycle Parts Mfrs. (Including the assembling of bicycles).....	1 14
Blacksmiths—(Not shoeing). No division of pay-roll between those shoeing and not shoeing.....	1 80
Blacksmiths—Shoeing. No division of pay-roll between those shoeing and not shoeing.....	4 53

	Rate
Blacksmiths—Shoeing (Including leading or driving animals of customers to and from shop).....	4 53
Boilermakers.....	5 18
Bolt and Nut Mfrs.....	1 80
Boot and Shoe Machinery Mfrs. (Exclusively).....	1 62
Brass Foundry.....	2 25
Brass Goods Mfrs.....	1 80
Brass or Copper—Rolling sheets, drawing wire or tubing, cold process.....	4 44
Bridge Works.....	7 77
Button (Metal) Mfrs.....	1 80
Cable (Wire) Mfrs.....	3 88
Can Mfrs.....	8 32
Carbureter Manufacturing exclusively.....	1 89
Card Clothing Mfrs.....	1 22
Carriage Dashes and Carriage Tops Mfrs. (Not wooden).....	1 53
Car Wheel Mfrs.....	5 36
Cash Register Mfrs.....	1 05
Cast Iron Pipe Mfrs.....	4 16
Chain Mfrs.....	2 52
Chandelier Mfrs.....	1 80
Clock Mfrs.....	87
Coffin and Casket (Metal).....	3 24
Confectioners' Machinery Mfrs.....	1 62
Copper and Zinc Goods Mfrs. (No rolling-mill, no smelting)....	1 80
Coppersmiths.....	1 80
Cotton Gin Machinery Mfrs.....	1 62
Cutlery (Not safety razor) Mfrs.....	1 98
Cutting Dies Mfrs.....	1 22
Decorative Wire Mfrs. (No wire drawing).....	1 62
Drop Forging Works (Not hardware).....	2 52
Electric Apparatus Mfrs.....	1 80
Electric Crane Mfrs.....	4 53
Electric Fixtures Mfrs.....	1 80
Electric Welding—Shop only.....	5 18
Elevator Mfrs.....	2 25
Enamel and Agate Ware Mfrs.....	6 94
Eyelet Mfrs.....	87
Feed Water Heaters Mfrs. ....	2 25
Feeders and Fire Iron Mfrs.....	2 25
File Mfrs.....	1 89
Fire Engine Mfrs.....	2 34
Fireproof Equipment Mfrs.—Including herring-bone, expanded metal products, metal furniture, filing equipment and wood working.....	3 15
Foundry (Not otherwise classified).....	2 52
Foundry—Bell.....	2 25
Foundry—Iron.....	2 52

	Rate.
Foundry—Steel castings.....	2 52
Forging Work—Handwork only (No machinery).....	1 80
Forging Work—Steam.....	2 52
Furnace Mfrs.—House heaters.....	1 80
Galvanized Iron Works—Shop.....	1 80
Galvanizing or Tinning Sheet (Metal)—Exclusively (Not manufacturing sheet metal or metal goods).....	1 80
Gas and Steam Fitters—Shop only.....	1 80
Gas or Gasoline Engine Mfrs.—(Not automobile) Including engines for boats not exceeding 150 horse-power.....	2 34
Gas Engine Ignition Apparatus Mfrs. (Not available to Gas Engine Mfrs.).....	1 14
Gas and Electric Fixtures Mfrs.....	1 80
Gas Holders.....	3 60
Gas Machines—Acetylene.....	2 16
Gas Meter Mfrs.....	1 62
Gauges and Valves Mfrs.....	1 14
Gear Grinding and Manufacturing.....	1 71
Gold Leaf Mfrs.....	87
Gum Vending Machine Mfrs.....	1 80
Gun, Rifle and Pistol Mfrs. (Not charging shells).....	1 14
*Hardware (Builders) Mfrs.—Butt hinges, locks, door bolts, window catches, lifts and such other light hardware as is used exclusively for the trim of buildings.....	1 14
*Hardware (Carriage) Mfrs. (Not otherwise classified).....	1 14
*Hardware (Saddlery) Mfrs. (Not otherwise classified).....	1 14
Horse Shoe Mfrs.....	1 80
Ignition Apparatus for gas engine mfrs. (Not manufacturing gas engines).....	1 14
Instrument (Professional or scientific) Mfrs.....	87
Iron and Steel Works—Shop. See "Steel Works."	
Iron Foundry.....	2 52
Jewelry Mfrs.....	61
*Label (Metal) Mfrs.....	1 80
Lamp and Lampshade Mfrs. (Metal work, including plating). See "Lamp and Lantern Mfrs."	
*Lamp and Lantern Mfrs.....	5 55
*Lampshade Mfrs.....	1 80
Lawn Mower Mfrs.....	1 62
Lead Works—Sheet, pipe, shot (No smelting).....	3 24
*Lock Mfrs.....	1 14
Locomotive Works.....	3 15
Loom-harness, Cop-tube and Shuttle Mfrs.....	1 14
Loom Mfrs.....	1 14
Machine Shops—With foundry.....	2 25
Machine Shops—Without foundry.....	1 80
Magnet Mfrs.....	1 22
*Mail Box Mfrs.....	1 62

	Rate
Mailing Machine Mfrs.....	1 80
Malleable Iron Works.....	2 52
Marine Engine Mfrs.—Not more than 150 horse-power (No division of pay-roll)—With foundry.....	2 25
Without foundry.....	1 80
Marine Engine Mfrs.—More than 150 horse-power (No division of pay-roll).....	3 24
Mattress (Wire) Mfrs.....	1 80
Metal Ceiling Mfrs.....	3 24
Metal Goods Mfrs. (Not otherwise classified).....	6 47
Metal Screen Mfrs. (Window or door).....	1 80
Metal Spinning (Not available for division of pay-roll).....	1 80
Mining and Milling Machinery Mfrs. (Including crushers and rolls, slime classifiers, jigs and transmission machinery).....	4 53
Motorcycle and Motorcycle Parts Mfrs. (Including the assembling of motorcycles).....	1 14
Musical Instrument Mfrs. (Metal).....	1 14
Nail and Spike Mfrs.....	1 80
Needle Mfrs.....	87
Numbering Machine Mfrs.....	1 05
Nut and Bolt Mfrs. ....	1 80
*Oil Stove Mfrs.....	1 44
Ornamental Iron Works. See "Iron and Steel Works—Shop."	
Oxyacetylene Welding (Autogenous welding)—Shop only.....	5 18
Patent Metal Mfrs. (i. e., rolling of metal into thin sheets for wrapping tobacco, chewing gum).....	1 44
Pen Mfrs.....	87
Phonograph Mfrs.....	1 05
Piano Plates Mfrs., exclusively—Including pattern shops and finishing (Not available for division of pay-roll).....	1 62
Piano Wire Mfrs. (Not wire drawing).....	1 62
Picture Wire Mfrs. (Not wire drawing).....	1 62
Pin Mfrs.....	87
Pipe (Cast iron) Mfrs.....	4 16
Pistol Mfrs. (Not charging shells).....	1 14
Plumbers—Shop only.....	1 80
Plumbers' Supplies Mfrs.....	1 80
Printing Press Mfrs.....	53
Projectile, Steel or Case Mfrs. (No loading or testing with explosives).....	3 24
Pulley Block (Metal) Mfrs.....	1 62
Pump Mfrs.....	2 16
Radiator (For automobiles) Mfrs.....	1 22
Radiator Mfrs.....	1 80
Razor Mfrs. (Not safety razors).....	1 44
Razor (Safety) Mfrs.....	2 43
Revolver Mfrs. (Not charging shells).....	1 14
Road Roller Mfrs.....	4 53

	Rate
Sad Iron Mfrs. ("Flatirons").....	1 80
Safe Mfrs.....	4 53
Saw Mfrs.....	1 14
Scale Mfrs.....	1 14
Screw Mfrs.....	1 14
Sculptors—Statuary and ornamental work in bronze, including moulding and casting.....	1 35
Sewing Machine Mfrs. (Exclusively).....	1 14
*Sheet Iron Stoves (Oil or gas).....	1 44
Sheet Metal Workers. See "Galvanized Iron Workers."	
Shot Works.....	3 24
Shovels, Spades, Scoops and Hoes and Gardening Tools Mfrs....	1 80
Silo Builders—Shop only.....	3 60
Silverware Mfrs.....	87
Skate Mfrs.....	1 05
Slot Machine Mfrs.....	1 80
Soda Water Apparatus Mfrs.....	2 16
Speedometer with or without Odometer, for use on vehicles, includ- ing installation of same away from factory.....	1 62
Spring Bed Mfrs.....	1 80
Spring Mfrs. (Not railroad car springs).....	1 80
Sprinkler (Automatic) Mfrs.....	1 22
Stamping (Tin and metal) Works.....	16 50
Stationary Engines—Steam or gasoline (Not otherwise classified)	
Mfrs.—Not more than 150 horse-power—No division of pay- roll—With foundry.....	2 25
Without foundry.....	1 80
Stationary Engines—Steam or gasoline (Not otherwise classified)	
—More than 150 horse-power.....	3 24
Steam and Air Pressure Gauge Mfrs.....	1 14
Steam Packing Mfrs. (Metal).....	1 80
Steam Radiator Mfrs.....	1 80
Steam Road Roller Mfrs.....	4 53
Steam Shovels, Dredges and Ballast Unloader Mfrs.....	4 53
Steel Freight-cars, Pressed Steel Truck Frames and Bolster Mfrs.	5 18
Steel Works:	
Steel Works—Open hearth, Bessemer and crucible, or open hearth and Bessemer—Casting ingots and puddling or bloom- ing mill operations.....	6 94
Steel Works—Crucible—Casting ingots and puddling or bloom- ing mill operations. (This classification not available for divided pay-roll purposes).....	5 18
Rolling Mills—Operated in connection with steel works, rolling products of every description, including rod mill.....	5 18
Rolling Mills—Operated in connection with steel works, rolling products of every description (No rod mill).....	4 25
Rolling Mills—Rolling of brass, copper and other soft metals (No iron or steel rolling work, no bar manufacturing, no blast furnace, converter or casting of steel).....	2 52

	Rate
Rolling-mills—Rolling of rods only (no blast furnace, converter or casting of steel). This classification not available for divided pay-roll purposes.....	6 94
Rolling-mills—Rolling of metal plates and sheets only, including dipping for galvanizing purposes (no blast furnace, converter or casting of steel). This classification not available for divided pay-roll purposes.....	4 25
Rolling-mills—Rolling of bars only (no blast furnace, converter or casting of steel). This classification not available for divided pay-roll purposes.....	3 42
Tin and Terne Plate Rolling from tin plate bars, including dipping (no tin plate bar manufacturing and no blast furnace, converter or casting of steel).....	2 52
Iron and Steel Works—Shop—Fabricating and assembling structural iron and steel (no blast furnace, converter or casting of steel, or rolling-mill).....	7 77
Iron and Steel Works—Shop—Fabricating, assembling and manufacturing railings, balconies, fire-escapes, stair cases, mail chutes, iron shutters and other iron work (not structural iron or steel), and ornamental brass, bronze and iron work (no blast furnace, converter or casting of steel, or rolling-mill)...	3 24
Iron and Steel Works—Shop—Manufacturing ornamental brass, bronze and iron work exclusively (no blast furnace, converter or casting of steel or rolling-mill). This classification not available for divided pay-roll purposes.....	2 25
*Stencil Mfrs.....	1 05
Stove Mfrs. (not sheet iron).....	1 14
*Stove Mfrs. (sheet iron).....	1 44
Structural Iron and Steel Works. See "Iron and Steel Works."	
Sword Mfrs.....	1 80
Tack Mfrs.....	1 35
*Tag, Check and Label (metal) Mfrs.....	1 80
Tank Builders—Shop only.....	3 60
Telegraph and Telephone Apparatus Mfrs.....	1 05
Telescope Mfrs.....	87
Textile Machinery Mfrs.....	1 62
Thermometer Mfrs.....	1 62
Thermostat Mfrs.....	1 62
Tin Can Mfrs.....	8 32
Tin Foil Mfrs.....	1 44
Tin Plate Mfrs. See "Steel Works."	
Tin Plate Rolling and Dipping. See "Steel Works."	
Tinsmith Shop (not otherwise classified).....	1 80
Tool Mfrs. (not mfg. machinery) (not otherwise classified).....	1 05
Toy (metal) Mfrs.....	6 94
Tube (metal) Mfrs.....	3 60
Type Founders.....	1 62
Typesetting Machine Mfrs.....	1 05
Typewriter Mfrs.....	1 05

	Rate
Vacuum Cleaner Mfrs.....	1 62
Valve and Gauge Mfrs.....	1 14
Ventilator Mfrs.....	1 80
Voting Machine Mfrs.....	1 62
Watch Mfrs.....	61
Watch Case Mfrs.....	87
Water Meter Mfrs.....	1 62
Water-tower Mfrs.—Shop only.....	4 53
Water Wheel (metal) Mfrs.....	2 25
Weighing Machine Mfrs.....	1 80
Welding (electric or autogenous) (Oxyacetylene process)—	
Shop only .....	5 18
Wheel (metal, automobile) Mfrs.....	1 80
Wheel (metal, car) Mfrs.....	5 36
Wheelbarrow (metal) Mfrs.....	3 24
Windmill (metal) Mfrs.....	4 53
Wire Basket and Cage Mfrs.....	1 62
Wire Cloth Mfrs.....	1 14
Wire (decorative) Mfrs. (no wire drawing).....	1 62
Wire Drawing Works .....	4 44
Wire (dress form) Mfrs.....	1 62
Wire Fence Mfrs. (no wire drawing).....	1 80
Wire Nail Mfrs.....	1 80
Wire, Piano Wire Mfrs. (no wire drawing).....	1 62
Wire, Picture Wire Mfrs. (no wire drawing).....	1 62
Wire Rope Mfrs.....	4 44
Wrought Iron Pipe Mfrs.....	4 44
Zinc and Copper Goods Mfrs. (no rolling-mill, no smelting).....	1 80

**MILLING SCHEDULE.****Minimum Premium, \$1.50.**

Corn-mills .....	3 05
Flour-mills .....	3 05
Grist-mills .....	3 05
Hominy-mills.....	3 05
Millers (not otherwise classified) .....	3 05
Oatmeal Mills .....	3 05
Pure Food Mfrs. (including milling).....	3 05
Rice-mills .....	3 05

**MINING (EXCEPT COAL) SCHEDULE.****Minimum Premium, \$3.00.**

**Blasting.**—All rates in this schedule include blasting, if any.

**Construction, Reconstruction, Maintenance and Repair.**—All rates in this schedule include the construction, reconstruction, maintenance and repair of all buildings or structures used or maintained in connection with mining operations, if done by employees of the assured or employees of a contractor whose pay-roll is included in the pay-roll of the assured.

**General.**—The office force and the employees of the commissary stores may be written at the clerical office force rate for manufacturing plants in connection with mining risks.

	Rate
†Clay or Shale Mines—Shafts, tunnels or drifts.....	7 86
†Clay or Shale Mines—Surface (no shafts, tunnels or drifts)....	7 86
†Copper Mines .....	7 86
†Feldspar Mines .....	7 86
†Gold Mines .....	7 86
†Graphite Mines .....	7 86
†Gypsum Mines .....	7 86
†Iron Mines—Shafts, tunnels or drifts .....	9 80
†Iron Mines—Surface (no shafts, tunnels or drifts).....	7 86
†Lead Mines .....	7 86
†Lead and Zinc Mines—Milling, prospecting and shaft sinking, including installation of machinery and erection, construction and repair of premises and/or plant .....	7 86
†Manganese Mines .....	7 86
†Mica Mines .....	7 86
†Nickel Mines .....	7 86
†Ore Mines (not otherwise classified)—Shafts, tunnels or drifts.	9 80
†Ore Mines—Surface (no shafts, tunnels or drifts) (not other- wise classified) .....	7 86
Ore Mines—Prospecting and exploring only (no development or operation), excluding prospecting by means of diamond drilling, jumper or drop drilling, or any work in shafts, tun- nels or drifts .....	6 75
†Phosphate Mines .....	7 86
†Rock Salt Mining and Quarrying.....	7 86
†Silica Mines .....	8 32
†Silver Mines .....	8 32
†Sulphur Pyrites Mines .....	7 86
†Talc Mines .....	7 86



**MISCELLANEOUS SCHEDULE.****Minimum Premium, \$1.50.**

**Stamping.**—All rates in this schedule include stamping hazard, if any.

**Blasting.**—Policies written upon classification in this schedule marked with an asterisk (\*) and expressed to exclude blasting, may be written to cover blasting by the use of the manual classification, rules and rates therefor. The insured must be instructed in all cases where the separate blasting rate applies, that the blasting pay-roll expended, as defined under this classification, must be separately kept and reported. If a premium is charged for blasting, and no blasting is done, the minimum premium shall be retained.

**Railroad Hazard.**—For railroads in connection with manufacturing plants, if insured plant does not supply motive power, no separate charge for railroad hazard. If insured plant supplies motive power, and railroad is entirely upon the premises covered by the policy, no separate charge for railroad hazard. If cars are moved by steam capstan or drum, not itself movable, no separate charge for railroad hazard.

Logging railroads shall not be considered as entirely upon the premises of the insured.

Subject to the foregoing, upon all risks in connection with which a railroad is operated, a separate pay-roll of all employees engaged in the operation, maintenance and repair of such railroad shall be rendered and subjected to the premium rate required in this manual.

	Rate
Abdominal Truss Mfrs.....	1 14
†Acetylene Gas Tank Charging Stations .....	16 65
Advertising Novelties and Sign Mfrs. (not metal, celluloid or glass) .....	1 89
Agricultural Implement Mfrs.....	3 24
Analytical Chemists, including shop work and work performed away from shop .....	3 15
Appraisers of Buildings and Machinery .....	1 14
Artificial Limb Mfrs.....	1 57
Asbestos Goods Mfrs.....	2 16
Asphalt Works—Shop and yards only .....	3 15
Auditors, Accountants and Systematizers—Clerical office force, traveling auditors, accountants and office systematizers....	21
Factory Cost Systematizers .....	87
Automobile Salesroom (no garage or repair shop; no movement of cars except by hand)—Entire compensation of salesmen and clerical force to be included .....	63
Awning and Tents Mfrs.—Shop and erecting .....	2 52
Bean—Sorting and picking .....	1 19
Beet Sugar Mfrs.....	3 60

	Rate
Blacking (shoe) Mfrs.....	1 57
Black Lead Mfrs.....	2 52
Bone and Ivory Turners .....	2 52
Bone-workers (not cleaning or trimming in connection with pack- ing-houses) .....	2 52
Bottling Works (no bottling under pressure).....	2 52
Bottlers—Bottling under pressure.....	4 50
Breweries—With or without bottling .....	2 25
Buffing Wheel Mfrs.—Cloth or leather only.....	1 49
Building Material Dealers—Yard work only (no second-hand materials or lumber-yard).....	2 70
Building Material Dealers—Yard work only—Second-hand mate- rial. See "Junk Dealers."	
Butchers' Supplies Mfrs.....	3 60
Button Mfrs. (not metal or celluloid) .....	1 75
Cab Companies—Stable hazard only .....	4 05
Cables—Insulation of, for electrical purposes.....	1 75
Canneries (no can mfg.).....	3 15
Carbon Mfrs. (not electro-chemical process) .....	2 52
Carbon Black Mfrs.....	2 70
Carpet Cleaning or Beating Works .....	3 60
†Cartridge Mfrs.....	16 50
Caterers .....	1 14
Celluloid Goods Mfrs.—From sheets of celluloid or compositions containing celluloid (no celluloid mfg.).....	3 60
†Cellulose Mfrs.....	6 47
*Cemetery Companies (no blasting).....	1 89
Chair Seats Mfrs.—From prepared fibre only .....	1 31
Charcoal Dealers (no furnaces) .....	1 49
Cider Mfrs.....	1 57
Circular Loom Mfrs.—Flexible piping for electric wires.....	1 75
Cleaners and Dyers.....	3 60
Coal Billet and Briquette Mfrs.....	2 52
Coal Merchants—Receiving or shipping by water or by land and water .....	4 14
Coal Merchants—Receiving or shipping by land but not by water .....	2 70
Cocoa Fibre Mfrs.....	2 16
Cocanut Shredding and Drying .....	1 98
Coffee Manipulators or Cleaners (not grinders or roasters).....	1 05
Coffee Roasters and Grinders.....	1 05
Compressed Food Mfrs.—Tablet form only.....	1 05
Cord and Binder Twine Mfrs. (not cordage) .....	2 16
Cordage Mfrs.....	3 60
Cotton Compressing and Ginning .....	2 88
Cotton Packing for Steam Engines Mfrs.....	1 75
Crayon Mfrs.....	1 57
Creamery and Dairy Supplies Mfrs.....	2 52
Crematories—Operating .....	2 70

	Rate
Culm (slack or coal refuse) Washing .....	2 52
Curled Hair Mfrs.....	1 89
Dextrines Mfrs. ....	6 47
Diamond Cutters and Setters.....	61
Distilling .....	3 15
Draughtsmen (engaged strictly in that profession), office duties only. See rates "Clerical Office Employees."	
Drivers. See rules entitled "Teams."	
Dry Battery Mfrs.—Including zinc containers and metal parts, with stamping, if any .....	2 88
Dry Battery Mfrs. (not making zinc containers or metal parts) ..	1 98
Dyers and Cleaners .....	3 60
Egg Drying .....	1 57
Electric Insulators, Lava Tips and Slate Pencil Mfrs.....	1 89
Elevated Railroad .....	7 40
Emery Cloth Mfrs.....	1 49
Emery or Carborundum Wheel Mfrs.....	2 52
Enamel Cloth Mfrs.....	1 98
Express Companies—Including loading and unloading operations, but excluding accidents caused by horses and vehicles (no contract liability) .....	2 52
Eyeglass and Spectacle Mfrs.....	61
*Farm Laborers (no blasting).....	1 50
Fertilizer Mfrs. (no reduction of garbage or offal).....	2 70
Fibre Mfrs.—For mats and matting .....	3 60
†Firemen—Paid or volunteer .....	6 94
†Fire Patrol and Salvage Corps.....	4 32
Fireproof Door and Shutter Mfrs.—Wood covered with sheet metal .....	3 15
†Fireworks Mfrs. (no exhibition work) .....	16 50
Fish Curers, Packers and Dealers (no vessel hazard or ice harvesting) not available for division of pay-roll .....	1 57
Fishing Tackle Mfrs.....	1 49
Florists—Cultivating and gardening (not to cover away from insured's premises) .....	1 31
Fountain Pen Mfrs.....	87
Fruit Evaporators .....	1 57
Fruit (dried) Packers (not fruit evaporators) (excluding box factories) .....	87
Fur Goods Mfrs. (not preparing skins) .....	52
Fur Mfrs.—Preparing skins .....	1 75
†Fuse Mfrs.....	16 50
Garbage Works—Reduction or incineration of garbage or offal..	7 40
Garbage Collectors—Refuse and ashes (excluding teams and not employed in garbage reduction or fertilizer plants) .....	2 16
Gas Works—Operating of gas-house, maintenance of existing works and mains, and making of house connections (compensation coverage includes gas explosion, inhalation or asphyxiation) .....	2 25

	Rate
Gelatine Mfrs.....	1 40
Gilding and Electroplating .....	1 57
Glucose Mfrs.....	6 47
Glue Mfrs.....	1 57
Gold Platers .....	1 57
Graphite Mfrs. (not mfrs. of artificial graphite, for which see Ore Reduction Schedule) .....	2 52
Hair Goods Mfrs. (not otherwise classified).....	1 98
Hair (Human) Goods Mfrs.....	1 31
Hatters (Fur) Mfrs.....	70
Horse Dealers—Including exhibitions and delivery of horses....	6 47
Ice (Artificial) Mfrs.....	3 60
Ice Companies—Harvesting and storing .....	5 55
Ice-cream Freezer Mfrs.....	2 70
Ice Dealers (no harvesting) .....	3 60
Incandescent Lamp Mfrs.....	1 05
Ink (Printing) Mfrs.....	1 57
Ink (Writing) Mfrs.....	1 31
Irrigation Works—Operating and maintenance, including ordinary extension of laterals .....	2 70
Isinglass (Fish Glue) Mfrs.....	1 57
Isinglass (Mica) Mfrs.....	1 14
Ivory Turners .....	2 52
Jams, Jellies and Preserves—Preparing .....	1 14
Jewelry Box Mfrs.....	1 14
Lamp Black Mfrs.....	2 52
Lapidaries .....	61
Laundries (not available for division of pay-roll) .....	3 78
Laundry (no machinery) doing hand work exclusively (not available for division of pay-roll) .....	1 05
Laundry—Wet wash (not available for division of pay-roll)....	1 40
Lead (Black) Mfrs.....	2 52
Lens Mfrs.....	61
Life Floats Mfrs.....	1 40
Linoleum and Cork Carpet Mfrs.....	3 15
Livery and Boarding Stables—Within the building walls only (not selling) .....	5 09
Lumber Dealers, Coal Merchants, Building or other Material Dealers—Receiving or shipping by water or by land and water .....	4 14
Lumber Dealers, Coal Merchants, Building or other Material Dealers—Receiving or shipping by land but not by water..	2 70
Mailing and Addressing Companies .....	70
Match Mfrs. (excluding lumbering and saw-mill operations)....	3 60
Metal Polish Mfrs. (no can mfg.).....	1 57
Mica—Preparation of, for electrical insulation .....	1 75
Military Goods Mfrs. (no metal stamping) .....	1 57
Milk (Powdered) Mfrs.....	1 14
Mirror Mfrs.—Silvering and beveling only .....	1 14

	Rate
Molasses and Syrup Mfrs.....	2 52
Moving Pictures—Employees in buildings, yards or outside, representing scenes for moving pictures (not operating moving picture shows) .....	6 47
Mucilage Mfrs.....	1 57
Municipal Risks—All employees engaged in strictly clerical duties .....	17
Municipal Risks—All employees not engaged in manual labor and not engaged in clerical office duties, and not otherwise classified (this classification includes such employees as those engaged in laboratory work, inspectors of the board of health, electrical inspectors, building inspectors and similar occupations) .....	1 85
Municipal Sewage Disposal Plants—Operation only (construction work to be covered separately at manual rates for the proper classification) .....	2 52
Mustard-mills .....	87
News Agents (same classification and rates as Express Companies) .....	2 52
Nickel Platers and Finishers .....	1 57
Nurserymen (not to cover away from insured's premises).....	1 31
Nuts—Handling, cleaning and shelling .....	1 05
Oakum Mfrs.....	1 57
Oil Cloth (all kinds) Mfrs.....	3 15
Oil Distributing Companies .....	2 25
Omnibus Companies—Inside stable walls only (not selling).....	5 09
Optical Goods Mfrs.....	61
Painters—In shop .....	2 07
Painters—In shop—Painting automobile and carriage bodies only (not available for division of pay-roll) .....	1 05
Paste Mfrs.....	1 14
Peanut handling, cleaning, sorting and storing .....	1 05
Phonograph Record Mfrs.....	1 05
Phosphate Works (no mining) .....	2 70
Photographers—Outside work (not producing moving pictures). ..	3 15
Photographic Sensitive Films and Dry Plates—Manufacturing and development of negatives only .....	1 05
Photographic Supplies Mfrs.....	1 05
Pickle Mfrs.....	1 57
Piping (flexible, not metal, for interior work in buildings to carry electric wires) Mfrs.....	1 75
Plaster Statuary and Ornaments—Manufacturing from wooden moulds .....	1 14
Pneumatic Tube Companies—Operation only .....	1 31
Policemen .....	5 09
Poultry Food Mfrs.....	2 97
Printers' Rollers Mfrs.....	1 75
Produce Dealers—Buying, packing or otherwise preparing for shipment and transportation to centers for distribution, gen-	

	Rate
eral produce, using stores or buildings temporarily for receiving, packing and shipping, but operating no warehouses and employing no means of transportation except teams (teams to be written under separate policy at manual) .....	1 98
†Railroad Hazard—Mfrs.' and Contractors' risk .....	11 20
†Railroad—Steam, operation of same, including ordinary maintenance and repair of road-bed. Such roads when not more than 50 miles long, not interstate, when used for transportation of passengers and freight, and when operated with grades not to exceed 100 feet to the mile, may be written for compensation coverage only, the pay-roll to include all employees, not excepting office men .....	11 20
Roofing Felt—Preparation of (not mfg., not paper) .....	1 75
Rope Mfrs. ....	3 60
Salesmen (Outside), Collectors and Messengers who use a vehicle drawn by animals or propelled by mechanical power in the performance of their duties shall be classified and rated either as drivers or chauffeurs, in accordance with the rules provided in the manual.	
Salesmen (Outside), Collectors and Messengers who do not perform their duties upon any vehicle except public vehicles, and who are not exposed to the mechanical hazard of the risk .....	21
Sales Stables—Including exhibition and delivery of horses. ....	6 47
Salt Mfrs. (not mining or sinking wells) .....	1 89
†Salvage Corps and Fire Patrol .....	4 32
Seed Merchants—Including the operation of seed sorting machinery .....	1 19
Sewage Disposal Plants—Care and maintenance of, excluding new construction work .....	2 52
Shoe and Harness Blacking Mfrs. ....	1 57
Silver Platers .....	1 57
Size Mfrs. ....	1 57
Spice Mills .....	87
Sporting Goods Mfrs. ....	1 05
Stablemen—Inside stable walls only (not selling) .....	5 09
Starch Mfrs. ....	6 47
Steam Heating or Power Companies (no electricity or construction), Operation of plant only .....	3 15
Stock Farms—Operating .....	1 57
Stones, Precious—Cutting, setting and polishing. See "Lapidaries."	
Storage Yards for Wagons and Trucks. See "Stablemen."	
Stove Polish Mfrs. ....	1 57
Street Railroad Companies—Cable .....	7 40
Street Railroad Companies—Electric, all systems, not interurban .....	5 55
Street Railroad Companies—Dummy engines .....	11 10
Street Railroad Companies—Electric, interurban .....	13 87
Sugar Refiners—Including all incidental work .....	3 60
Surveying and Inspecting Engineer Work—Including sharpening of stakes and other shop work incident to surveying and in-	

	Rate
specion of construction operations (no actual construction operations of any description and no supervising or superintending of construction operation) not available for division of pay-roll.....	2 70
Tar Mfrs.....	2 52
Taxidermist .....	1 14
Thermometers—Clinical (no glass manufacturing or metal working) .....	70
Tortoise Shell Goods Mfrs.—From natural tortoise shell exclusively .....	1 05
Tortoise Shell Novelties—Manufactured from real or imitation tortoise shell .....	1 14
Towel and Toilet Articles—Distributing (excluding laundry and teams hazard) .....	2 16
Truckmen .....	1 50
Twine (Binder) and Cord Mfrs. (not cordage) .....	2 16
Undertakers .....	1 75
Upholsterers (not furniture or cabinet makers) .....	87
Vinegar Mfrg.....	1 57
Washer (all kinds) Mfrs.....	2 34
Waterworks—Operating only (no construction work) .....	2 25
Welsbach Incandescent Mantle Mfrs.....	1 57
Whalebone Goods Mfrs.....	1 31
Whip Mfrs.....	1 05
Window Curtain Roller Mfrs.....	1 98
Wine Mfrs.....	1 57
Wire Insulation for Electrical Purposes .....	1 75
Wood Preserving and Fireproofing.....	5 18

## OILS, ETC., SCHEDULE.

Minimum Premium, \$1.50.

Axle Grease Mfrs.....	1 75
Butter and Butterine Mfrs.....	1 31
Candle Mfrs.....	1 75
Castor Oil Mfrs.....	2 62
Cheese Mfrs.....	1 31
Cod Liver Oil Mfrs.....	2 62
Cold Cream Mfrs.....	1 14
Condensed Milk Mfrs.....	1 49
Cottolene Mfrs.....	2 62
Cottonseed Oil Mfrs.—Including refining .....	6 12
Cottonseed Oil Refiners—Refining only (no manufacturing or expressing of oil) .....	2 62
Creameries .....	1 31
Dairies .....	1 31
Fat Rendering. See "Grease Mfrs."	

	Rate
Gasoline Mfrs.....	3 50
Glycerine Mfrs.....	1 49
Grease Mfrs.....	1 75
Lard Refiners .....	1 75
Linseed Oil Mfrs.....	3 50
Oil Cake Mfrs.....	2 62
Oil (Petroleum) Refiners (not gasoline) .....	2 62
Oil (Fish) Mfrs.....	2 62
Oil (Lard) Mfrs.....	2 62
Oil (Tallow) Mfrs.....	2 62
Oil (Vegetable) Mfrs.....	2 62
Oleomargarine Mfrs.....	1 31
Soap Powder Mfrs.....	1 75
Soap Mfrs.....	1 75
Tallow Chandlers .....	1 75
Wax Mfrs.....	1 31

## ORE REDUCTION AND CONCENTRATION SCHEDULE.

### Minimum Premium, \$1.88.

Aluminum Smelting .....	2 97
Blast Furnaces .....	9 00
Carbide of Calcium Mfrs.....	5 40
Carborundum Mfrs.....	3 15
Charcoal Mfrs.....	2 43
Coke Burners .....	2 16
Copper Refiners (no ore reduction) .....	2 25
Copper Smelters .....	2 97
Gold Reduction .....	2 97
Gold Refiners (no ore reduction) .....	2 25
Gold Smelters .....	2 97
Graphite and Pure Carbon (artificial) Mfrs.....	2 70
Iron Smelters .....	9 00
Lead Smelters .....	2 97
Metal Matte .....	2 97
Ore Crushers .....	3 15
Ores—Concentrating and amalgamating .....	3 15
Quartz-mills .....	3 15
Silver Reduction .....	2 97
Silver Refiners (no ore reduction) .....	2 25
Silver Smelters .....	2 97
Smelters (not otherwise classified) .....	9 00
Smelters—By electric process.....	2 97
Tin Smelters .....	2 97
Zinc Smelters .....	2 97



**PAPER SCHEDULE.****Minimum Premium, \$1.50.**

	Rate
<b>Bag Mfrs.:</b>	
Paper only (No paper-making).....	1 14
Paper only—With paper-making.....	1 66
Bond Paper Mfrs. (As "Writing Paper").	
<b>Box Mfrs.:</b>	
Mfrs. of Folding Paper Boxes only (No paper-making).....	1 40
With paper-making .....	2 40
Mfrs. of Solid Paper Boxes (No paper-making).....	2 19
With paper-making .....	2 96
Bristol Board Mfrs. (As "Cardboard").	
Building and Roofing Paper Mfrs. (No paper-making).....	1 75
Carbon Paper Mfrs. (No paper-making).....	87
Carpet Lining and Pads Mfrs. (No paper-making).....	1 31
Cardboard Mfrs. (No pulp-mill).....	2 50
With pulp-mill (As "Pulp and Paper Mfrs.").	
Check Mfrs. (As "Tag, Check or Label").	
Cigarette Paper Mfrs. (As "Paper Mfrs.")	
Cork Paper Mfrs. (No paper manufacturing).....	96
Corrugated Paper Mfrs. (As "Paper Mfrs.")	
<b>Dress Pattern Mfrs.:</b>	
Paper only—Including designers, draughtsmen, cutters and all clerical force (No paper-making) .....	70
Envelope Mfrs. (As "Stationery").	
Fiber Goods Mfrs. (No fiber-making).....	2 50
Fly-paper Mfrs. (No paper making).....	96
Imitation Leather Mfrs. (As "Wall-paper Mfrs.").	
Indurated Fiber Mfrs. (As "Pulp and Paper Mfrs.").	
Label Mfrs. (As "Tag, Check or Label Mfrs.").	
Lace and Ornamental Paper Mfrs. (No paper-making).....	96
Ledger Paper Mfrs. (As "Writing Paper Mfrs.").	
Music-rolls (For piano players, perforated paper) Mfrs. (No paper-making) .....	70
Oiled, Paraffined or Waxed Paper Mfrs. (No paper making).....	96
Paper Mfrs.—All kinds except writing paper and cardboard (No saw or barking mills, and no sulphite or other fibrous pulp making) .....	3 24
With saw or barking mills, but no sulphite or other fibrous pulp-making .....	3 88
Paper and Pulp Mfrs. (As "Pulp and Paper Mfrs.").	
Paper Board Mfrs. (No pulp-mill).....	2 50
With pulp-mill (As "Pulp and Paper Mfrs.").	
Paper Coating and Finishing.....	1 14
Paper Cutting—For packing purposes.....	96
Papier Mache Goods Mfrs. (No paper or wood pulp-making, no car wheels) .....	2 50

	Rate
Playing Cards Mfrs. (No paper or cardboard making).....	96
Pulp and Paper Mfrs. (No saw or barking mills, and no sulphite or other fibrous pulp-making).....	3 24
With saw or barking mills, but no sulphite or other fibrous pulp-making .....	3 88
Pulp Liquor Mfrs.—Treatment of pulp-mill waste for commercial use as road binder and saturator (Not available to Pulp Mfrs.) .....	2 19
Pulp-mills—Ground wood pulp only.	
Pulp-mills—Ground wood pulp only, from “pulp wood” to “lap” (No saw or barking mills).....	3 24
Ground wood pulp only, including saw or barking mills....	3 88
Sulphite or other fibrous pulp processes, with saw and barking mills, if any.....	5 18
Sand Paper Mfrs. (No paper-making).....	1 49
Stationery Mfrs. (No paper-making).....	79
Straw Board Mfrs. (As “Pulp and Paper Mfrs.”).	
Tag, Check or Label Mfrs.—Paper or cardboard only (No paper-making) .....	1 14
Tissue Paper Mfrs. (Not toilet paper) (As “Pulp and Paper Mfrs.”).	
Toilet Paper Mfrs. (As “Pulp and Paper Mfrs.”).	
Wallpaper Mfrs.—Paper-making only (As “Pulp and Paper Mfrs.”).	
Designing, Printing and Finishing only (No paper-making)....	87
Writing Paper Mfrs. ....	1 14

## POTTERY AND GLASS SCHEDULE.

**Minimum Premium, \$1.50.**

Bottle Mfrs. ....	87
Brick Mfrs.—Including construction and reconstruction of sheds and kilns if done by assured's employees, also including clay digging and quarrying (No underground mining).....	2 62
†Brick Mfrs.—Including construction and reconstruction of sheds and kilns if done by assured's employees, also including underground mining .....	3 94
Cathedral and Art Glass Window Mfrs.—With or without glass-making .....	79
China Decorating—Including firing (No manufacturing) not available for division of pay-roll.....	79
China Mfrs. ....	35
Concrete Hollow Block Mfrs. ....	1 49
Doll (Bisque or china) Mfrs. ....	52
†Earthenware (Tiling, Gas Retorts, Sewer Pipe and Drain-pipe) Mfrs. (No underground mining) .....	2 19
Earthenware (Tiling, Gas Retorts, Sewer Pipe and Drain-pipe) Mfrs. (Including underground mining).....	3 94

	Rate
Earthenware (Household utensils and art objects) Mfrs. ....	35
Fire-clay Products Mfrs. (No underground mining).....	2 19
†Fire-clay Products Mfrs. (Including underground mining)....	3 94
Glass (Plate or window) Mfrs. (No quarrying or excavating)..	2 19
Glass Mfrs. (No plate or window glass manufacturing).....	87
Glass (Cut) Mfrs. ....	79
Glass Eye Mfrs. ....	52
Glass Sign Mfrs. (No glass-making).....	1 05
Marl Mfrs. (Including digging, hauling, drying and grinding)..	3 06
Mirror Mfrs. (No glass-making).....	1 14
Peat Fuel Mfrs. ....	3 06
Pipe—Clay (Tobacco) Mfrs. ....	52
Plate or Window Glass Mfrs. (No quarrying or excavating)....	2 19
Porcelain Ware Mfrs. ....	35
Potteries—Flower pots, art and household utensils only (No sewer or drain-pipe, no mining or excavating).....	35
Potteries (Tiling, Gas Retorts, Sewer and Drain-pipes) Mfrs. (No underground mining).....	2 19
†Potteries (Tiling, Gas Retorts, Sewer and Drain-pipes) Mfrs.— Including underground mining.....	3 94
Stone China Mfrs. ....	35
Terra Cotta Mfrs.—Art terra cotta for decorative purposes (No mining or excavating); this classification does not include the manufacture of terra cotta for structural use, whether decorative or otherwise .....	35
Terra Cotta Mfrs. (No underground mining).....	2 19
†Terra Cotta Mfrs.—Including underground mining.....	3 94
Tile (For Decorating Purposes) Mfrs. (No mining or excavating)	35
Tile (Roof and Drainage) Mfrs. (No underground mining)....	2 19
†Tile (Roof and Drainage) Mfrs.—Including underground min- ing .....	3 94

## PRINTING SCHEDULE.

### Minimum Premium, 75c.

Artists, Designers, Proof-readers, Editors, Reporters, Advertis- ing and Circulation Solicitors and Clerical Office Force— Classification available for division of pay-roll to newspaper offices, printers and publishers.....	16
Bookbinders .....	87
Electrotypers .....	87
Engravers .....	87
Hand Printers .....	87
Lithographers .....	87
Newspaper Offices .....	87
Photo Engravers .....	87
Printers—Hand .....	87
Printers—Steam .....	87
Publishers .....	87

**RUBBER AND COMPOSITION GOODS SCHEDULE.****Minimum Premium, \$1.50.**

	Rate
Button (Celluloid) Mfrs. ....	2 25
†Celluloid Mfrs. ....	9 00
Comb (Hard Rubber, no Celluloid) Mfrs. ....	1 53
†Composition Goods containing celluloid.....	9 00
†Corraline Mfrs. ....	9 00
†Fibroid Mfrs. ....	9 00
Gutta-Percha Mfrs. ....	1 80
†Lignoid Mfrs. ....	9 00
Rubber Belting Mfrs. ....	1 80
Rubber Boot and Shoe Mfrs. ....	1 80
Rubber Cement Mfrs. ....	1 80
Rubber Goods Mfrs.—Not otherwise classified.....	2 25
Rubber Garments Mfrs. (No rubber-mill).....	1 80
Rubber Reclaiming Operations,—Including loading and unload- ing materials and products to and from cars and wagons...	4 68
Rubber Reclaiming Operations—Including loading and unload- ing materials and products to and from cars and wagons (No benzine, naphtha or gasoline used).....	3 15
Rubber Stamp Mfrs. ....	90
Rubber Tire Mfrs. ....	2 70
Vulcanized Rubber Mfrs. ....	2 70
Waterproofing Cloth ....	1 80

**STEVEDORE SCHEDULE.****Minimum Premium, \$3.00.**

Additional Interest.—Policies issued upon stevedores under this schedule may be extended to cover a named steamship company, employing such stevedores, the insurance being limited to the care and defense of suits and to the payment of premiums upon forthcoming bonds, in the event of libel. The undertaking shall be limited to injuries resulting solely from the operations of the stevedore covered by the policy, and the policy shall contain no obligation to pay any resulting judgment against the steamship company. Additional rate for this coverage on both policies shall be 10 per cent of the manual rates for the classification involved.

If, in addition to the extension described above, the policy shall be further extended to cover the payment of judgment against the steamship company, within the limit of the policy, additional rate for such coverage on Comp. policies shall be 25 per cent of the manual rates applicable to the classification involved.

The foregoing rule is only available when the policy of the stevedore is carried in the fund.

	Rate
Grain Elevator—Floating (Operating only).....	4 62
Roustabouts—River and sound steamboats (Not sea-going or lake vessels) .....	4 62
Steamship Agents—Wharf employees—Clerks and tallymen only when all stevedore work is let out by contract.....	78
Steamship Agents—Wharf employees—Clerks and tallymen only when stevedoring work is done by insured.....	78
Steamship Agents—Wharf employees—Stevedores and freight handlers .....	7 40
Stevedores or Lumpers—Handling general freight—Sea-going and lake vessels .....	7 40
Stevedores or Lumpers—Handling ore and coal or either of them exclusively .....	7 40
Stevedores or Lumpers—River and Sound steamers.....	4 62
Weighers on Docks—When no stevedore work is done by insured	78

### STONE SCHEDULE.

**Minimum Premium.**—For all risks in this Schedule involving any quarry work, with or without blasting, \$3.00. For all other classifications, \$1.88.

**Pay-roll.**—All employees in or about any quarry, or quarry operations, including foremen, teamsters, scabblers, drillers and laborers (but not including stone-cutting outside of quarry), as well as all concerned in blasting operations, shall be included in the quarry pay-roll and at the full quarry rate.

Employees engaged in stone-cutting on the quarry banks or adjacent thereto but who do not enter the quarry may be classified and rated as provided in this schedule for a stone-yard.

Stripping pay-roll in connection with marble and stone quarries is incidental to the quarry and should take the quarry rate. It is not proper to divide the pay-roll and apply a lower rate to the stripping operations.

**Blasting.**—All rates in this schedule include blasting, if any.

Adamant Plaster Mfrs. (No quarrying).....	3 15
Barytes Mfrs. (No quarrying) .....	2 52
Cement Mfrs. (No quarrying) .....	5 04
†Cement Mfg. and Quarrying—With or without blasting.....	6 30
†Cement Quarries—With or without blasting.....	7 65
Emery Works—Crushing and grinding only (No quarrying)....	2 52
Flint and Spar Grinders (No quarrying).....	2 52
Grindstone Mfrs. (No quarrying).....	2 25
Hone and Oil Stone Mfrs. ....	2 16
Lime Burners (No quarrying).....	3 15
†Lime Quarries—With or without blasting.....	7 65
†Lime Quarries—With or without, blasting, including stone crushing .....	6 30

	Rate
Lithographic Stone Mfrs. (No quarrying).....	1 80
Lithoid Mfrs. (No quarrying).....	1 80
Mantel (Marble or Slate) Mfrs. (No quarrying).....	1 35
Marble Cutters and Polishers (No quarrying).....	1 35
Millstone Mfrs. (No quarrying) .....	2 25
Mortar Mfrs. (No quarrying) .....	3 15
Plaster-mills (No quarrying) .....	3 15
Plaster Mixing or Staff Mfrs.—Mixing dry plaster with hair (No crushing or grinding).....	2 43
†Quarries—With or without blasting bluestone, granite or marble for monumental or building purposes (No quarrying for dam or bridge work) .....	6 30
†Quarries (Not lime or cement) with or without blasting (Not otherwise classified) .....	8 10
Sewer Pipe Mfrs. (Reinforced concrete only)—Including all men on ground engaged in manufacturing (No laying of pipes) ..	2 25
Silica, grinding (No quarrying).....	2 52
†Slag, excavating of, and loading on cars—With or without blasting .....	9 80
Slate Mfrs. (No quarrying).....	1 98
†Slate Quarries—With or without blasting.....	7 20
Soapstone Mfrs. (No quarrying).....	1 80
†Stone Crushers (Not lime stone)—Including quarrying—With or without blasting .....	6 75
Stone Crushers (No quarrying).....	3 15
Stone-cutters and Polishers—Yard work only.....	1 35
Stone Yard (No quarrying)—Including stone-fitters sent out from yard to fit stones properly on job (No setting of stone)....	1 98
NOTE.—If employees sent out from stone yards to fit cut stones properly on job, also set the stones, the entire pay-roll of such fitters and setters shall be included under and rated the same as "Marble and Stone Setters." See Contractors' Schedule.	
Talc Mills (No quarrying) .....	2 25

## TEXTILE SCHEDULE.

Minimum Premium, \$1.50.

Absorbent Cotton Mfrs. ....	1 05
Artificial Feather and Flower Mfrs.....	52
Awning and Tent Fabric Mfrs.—Shop only (No manufacturing of wooden pegs or iron frames).....	1 57
NOTE.—This classification not to be used for division of pay-roll purposes and not to be used if assured engages in erection of awnings and tents. Where both shop and outside operations are involved, see "Awning and Tent Mfrs.—Shop and erecting," Miscellaneous Schedule.	
Badge (Silk or worsted) Mfrs.....	87
Bag (Burlap, Sacking) Mfrs.—Weaving.....	2 10

	Rate
Bag Mfrs.—Sewing only .....	87
Bleacheries .....	1 75
Bonnet Frame Mfrs. (No wire manufacturing) .....	52
Braid Mfrs. (Not embroidery mfrs.) .....	87
Bunting Mfrs. ....	87
Burlap and Sack Mfrs. ....	2 10
Calico Printers .....	1 57
Canvas Belting Mfrs. ....	1 57
Caps, Mfrs. of—Cloth only—Sewing machine risk .....	52
Carding and Fulling Mills .....	87
Carpet Mfrs. ....	87
Cloak Mfrs. ....	52
Clothing Mfrs. ....	52
Cloth Spongers .....	1 31
Collar and Cuff Mfrs.—Including laundry .....	44
Corset Mfrs. ....	52
Cotton Batting Mfrs. ....	4 72
Cotton Spinners .....	79
Cotton Weavers .....	79
Dressmakers .....	52
Duck Cloth Mfrs. ....	1 57
Dyers of Textiles—New goods (Not “Dyers and Cleaners”) ....	1 75
Embroidery Mfrs. ....	52
Feather Pillow Mfrs. ....	63
Feather and Flower (Artificial) Mfrs. ....	52
Felting Mfrs. ....	1 57
Finishers of Textiles—New goods (Same as “Dyers”).	
Flax-mills .....	1 57
Fringe and Braid Mfrs. (Not embroidery mfg.) .....	87
Fulling-mills .....	87
Fur Goods Mfrs. (Not preparing skins) .....	52
Furnishing Goods Mfrs. ....	52
Garment Mfrs. See “Clothing Mfrs.”	
Glove and Mitten (Silk, Woolen or Thread) Mfrs. ....	63
Hair Cloth Mfrs. ....	1 31
Handkerchief Mfrs.—No weaving .....	52
Hat (Straw) Mfrs. ....	52
Hat (Not Straw) Mfrs.—Including moulding and manufactur- ing of felt .....	70
Horse Blanket Mfrs. ....	1 57
Hose (Cotton) Mfrs. ....	1 57
Hosiery Mfrs. ....	70
Hosiery Mfrs.—From cop yarn (No yarn mfg.) .....	58
Jute Mfrs. ....	3 15
Knitting Mills .....	70
Knitting Mills—From cop yarn (No yarn mfg.) .....	58
Lace Mfrs. ....	52
Linen Mfrs. ....	70
Mat and Matting Mfrs. ....	1 31

	Rate
Mattress Mfrs. (No spring or wire work or excelsior mfg.)....	1 40
Mercerizing Cotton Goods .....	1 75
Millinery Mfrs. ....	52
Necktie Mfrs. ....	52
Net—Not wire (No cordage or twine making).....	96
Plush and Velvet Goods Mfrs. ....	70
Quilt Mfrs.....	96
Ribbon Mfrs.....	44
Rug Mfrs.....	87
Sail Makers .....	87
Shade Cloth Mfrs.....	1 57
Shirt Mfrs.—Including laundry .....	44
Shoddy Mfrs.....	4 72
Shoe String Mfrs.....	87
Silk Mfrs.....	44
Silk Thread Mfrs.....	44
Steam Packing Mfg.—Not metal .....	1 75
Straw Hat Mfrs.....	52
Stuff and Woolen Dyers—In connection with textile mfrs.....	1 75
Suspender Mfrs.....	87
Tailors .....	52
Thread (Cotton or Linen) Mfrs.....	70
Thread (Silk) Mfrs.....	44
Typewriter Ribbon Mfrs.....	87
Umbrella Mfrs.....	1 05
Upholstery Fabric Mfrs.....	79
Upholstery Trimmings Mfrs.....	79
Wadding and Waste Mfrs.....	4 72
Webbing Mfrs.—Elastic or nonelastic .....	87
Wicking Mfrs.....	1 05
Window Shade and Cloth Mfrs.—Making and mounting.....	61
Wool-combers .....	1 05
Wool Extract Mfrs.—Chemical separation of wool from cotton..	1 75
Wool-spinners—Excluding shoddy mfrs.....	79
Wool-weavers—Excluding shoddy mfrs.....	79
Woolen Dyers—In connection with textile mfrs.....	1 75
Yarn Finishing (no manufacturing of yarn)—Putting silk finish on and winding on spools .....	52
Yarn Mfrs.....	79

### TOBACCO SCHEDULE.

Minimum Premium, \$1.50.

Cigar and Cigarette Mfrs.....	52
Tobacco (Chewing, Smoking, Plug and Fine Cut) Mfrs.....	63
Tobacco (Snuff) Mfrs.....	63
Tobacco Mfrs.—Not otherwise classified .....	63



**VESSEL SCHEDULE.****Minimum Premium, \$1.50.**

Rates in this schedule include the collision hazard. Policies will not be issued to exclude collision hazard.

	Rate
†Bargemen and Lightermen .....	5 00
†Barge and Canal Boatmen—Crews only (no loading and unloading) .....	4 00
†Ferry Companies .....	4 00
†Fishing Vessels—Including fish curing, packing and dealing..	4 00
†Ocean and Coastwise Sailing Vessels .....	4 00
†Ocean and Coastwise Steamers .....	4 00
†Ocean and Coastwise Tugboats—Towing .....	4 50
†River and Sound Steamers and Sailing Vessels .....	4 50
†Supply Boats—Supplying water or gasoline for shipping .....	4 50

**WAREHOUSE AND STORE SCHEDULE.****Minimum Premium, \$1.75.**

Agricultural Implement Stores (no manufacturing) .....	1 10
Apartment Hotel and Hotel Apartment—Excluding laundry....	1 31
Apartment Houses .....	1 31
Asylums—Including pay-roll of entire staff—Excluding injuries to patients due to negligence of professional attendants....	1 31
Athletic Clubs .....	1 31
Auctioneers—To cover wherever goods are auctioned .....	1 31
Barbers .....	52
Barbers' Supplies (no manufacturing) .....	52
Bathing-house Employees .....	1 66
Baths—Excluding injuries to customers due to negligence of professional attendants .....	1 31
Billiard and Bowling Halls.....	2 89
Billiard Halls (no bowling alleys) .....	1 92
Bowling Halls .....	3 76
Bottles (Second-hand), Dealers in .....	4 55
Butchers—Meat or provision stores (no manufacturing, slaughtering or rendering) .....	61
Butchers' Supplies (no manufacturing).....	61
Carriage Repositories and Salesrooms .....	52
Clerical Office Employees in manufacturing plants .....	21
Clerical Office Employees—Not in manufacturing plants .....	16

NOTE.—It being understood that this classification shall include only those whose duties are confined to keeping the books of the assured, conducting correspondence, or engaged wholly in the office where such books are kept or correspondence conducted, and who have no duty of any other nature in or about the assured's premises.

	Rate
Clothing Stores—Wholesale or retail—With or without manufacturing .....	52
Club-houses—Not athletic, country or yacht club .....	65
Cold Storage Warehouses .....	2 19
Colleges—Except pay-roll of professors and teachers—All employees engaged in care, custody and maintenance of premises, including elevator attendants .....	1 31
Clerical Office Employees .....	16
Cotton and Woolen Clipping—New goods only—Dealers in, and baling (not rag and paper stock dealers) .....	1 31
Counter Lunch Room .....	1 31
Country Clubs .....	1 31
Dentists .....	52
Department Stores .....	65
NOTE.—This classification shall also apply to five and ten cent stores, or stores advertising merchandise for sale at a maximum or minimum stated price.	
Dry-goods Stores (no manufacturing) .....	61
Exhibitions—Agricultural, horticultural or industrial, in parks or other ground inclosures:	
Employees engaged in the care, custody and maintenance of premises, excluding those engaged in the operation of merry-go-rounds, swings, roller coasters and other amusement devices .....	1 14
Employees engaged in the care, operation and maintenance of merry-go-rounds, swings, roller coasters and other amusement devices .....	15 14
Exposition Building Employees .....	1 14
Furniture Dealers—Store only .....	52
Glass Merchants—Including operations of bending, grinding, bevelling and silvering plate glass .....	87
Grain Elevators (Line)—Including any or all of the following operations: Dealers in coal and wood, wire fencing, agricultural implements, hay, grain and feed and lumber yard. ....	1 75
Grain Elevators—Line or terminal .....	2 19
Hardware Stores (no manufacturing) .....	52
Hay, Straw and Feed Dealers .....	1 31
Hide and Leather Dealers .....	1 31
Hospitals—Including pay-roll of entire staff—Excluding injuries to patients due to negligence of professional attendants ....	61
Hospitals—Veterinary .....	5 25
Hotels—Excluding laundry .....	87
Importers and Dealers in Goat and Sheep Skins .....	61
Iron Merchants—Not junk or scrap iron or hardware dealers ...	1 31
Jewelry Stores—Wholesale or retail or both—All employees ....	44
Junk Dealers—Shop and yard .....	10 50
Ladies' Hairdressing and Manicuring .....	52
Leather and Hide Dealers (no mfg.) .....	52
Machinery Dealers—Store only (no manufacturing) .....	1 10

	Rate
Malt Houses .....	1 75
Marketmen—Including meat and provision store (no manufactur- ing, slaughtering or rendering) .....	61
Mercantile or Manufacturing Premises variously occupied by per- sons other than the owner, not otherwise classified (owner's risk only) .....	1 75
Milk Dealers—Store or depot only .....	61
Office Buildings:	
Pay-roll to include elevator attendants and all other employees engaged in care, custody and maintenance of premises .....	1 31
Clerical Office Employees .....	16
Paper and Rag Stock Dealers—Handling new paper waste from publishers, printers, lithographers, etc., or handling new cloth clippings from manufacturing establishments (no handling of junk, old rags or old paper) .....	2 36
Photographers—Studio work (not producing moving pictures) ..	52
Poultry Dealers—Wholesale or retail—Including killing of poul- try .....	61
Professors and Teachers in Schools and Colleges (not veterinary nor manual training) .....	16
Professors, Teachers and Assistants—Manual training schools ...	87
Professors, Teachers and Assistants—Veterinary colleges .....	87
Public Libraries:	
All employees engaged in care, custody and maintenance of premises, including elevator attendants .....	1 31
Librarians, assistant librarian and all clerical assistants .....	16
Public Museums of Art or Natural History:	
All employees engaged in care, custody and maintenance of premises, including elevator attendants .....	1 31
Curator, assistant curator and all clerical assistants .....	16
Public Picture Galleries:	
All employees engaged in care, custody and maintenance of premises, including elevator attendants .....	1 31
Curator, assistant curator and all clerical assistants .....	16
Rag and Paper Stock Dealers .....	8 75
Real Estate Employees—Outside of office, including collectors (no construction work) .....	87
Restaurants .....	87
Retail Stores—Not otherwise classified .....	35
Rubber Stock Dealers—Receiving, handling, baling and shipping old rubber stock .....	2 19
Rubber Tire Dealers—Sale, repair and vulcanizing, including ad- justments of tires to vehicles away from premises of assured. ...	2 19
Schools—Except pay-roll of professors and teachers—All em- ployees engaged in care, custody and maintenance of prem- ises, including elevator attendants .....	1 31
Clerical Office Employees .....	16

	Rate
Schools and Colleges—Employees engaged in care and maintenance of buildings and grounds, excluding farm and construction operations .....	1 31
Clerical Office Employees .....	16
Scrap Iron Dealers—Shop and yard .....	10 50
Ship Chandler Stores (no manufacturing) .....	52
Shooting Galleries—Not rifle ranges .....	3 27
Skating-rinks—Ice or roller .....	1 14
Skins (Goat and Sheep) Importers and Dealers .....	61
Storage (Cold) .....	2 19
Storage (Baled Cotton) .....	2 19
Storage (Furniture) .....	1 31
Storage (Grain) .....	2 19
Storage (General Merchandise)—Not otherwise classified .....	2 19
Store Risks (Retail)—Exclusively—Not otherwise classified ....	35
Store Risks (Wholesale)—Not otherwise classified .....	52
Store Risks (Wholesale and Retail)—Not otherwise classified...	44
Tailor Store (Wholesale or retail)—Including cutting—With or without manufacturing .....	44
<b>Tenements:</b>	
All employees engaged in care, custody and maintenance of premises, including elevator attendants .....	1 31
Clerical Office Employees .....	16
Theater Companies—Rate applicable to players or entertainers only:	
(a) For operas, dramas and comedies .....	61
(b) For vaudeville, burlesque, farce, continuous performance and moving pictures .....	1 40
Theater Employees—Including executives or managers (not stage managers), box office employees, ushers and others not employed upon the stage .....	61
Theater Employees with stage duties .....	1 40
Tobacco Rehandlers .....	52
Warehouse (Private)—Used exclusively for storing surplus stock of the assured, and covered in connection with store or other sales place, to take the rate of such store or sales place—Not applicable to any form of warehousing or storing for which specific rates are made in this schedule.	
Warehousemen (General Merchandise)—Not otherwise classified	2 19
Picture Frame Mfrs.....	2 43
Wholesale Store—Not otherwise classified .....	52
Wholesale and Retail Stores—Not otherwise classified .....	44
Wholesale or Retail Poultry Dealers—Including killing of poultry .....	61
Wine and Spirit Merchants .....	87
Wine and Spirit Merchants (Retail) (no bar on premises)—Liquor sold in packages only .....	87
Wool Merchants—Office and warehouse .....	61

	Rate
Yacht Clubs .....	1 31
Y. M. C. A. and Y. W. C. A. Institutions—Pay-roll must include all teaching, preaching and operative force .....	44

**WOOD SCHEDULE.****Minimum Premium, \$1.88.**

Barbers' Supplies—Including furniture manufacturing .....	2 25
Barrel Mfrs.—Making heads, hoops, staves, etc., and assembling.	4 05
Barrel Mfrs.—Not making heads, hoops, staves, etc., assembling only .....	2 43
Barrel (Wood Veneer) Mfrs.....	4 05
Baseball Bat Mfrs.....	2 16
Basket (Willow Ware) Mfrs.....	1 35
Basket (Wood Veneer) Mfrs.....	4 05
Basket (Wood Veneer) Mfrs. (not manufacturing veneer or using machinery) .....	2 43
Bedstead (Not metal) Mfrs.....	2 25
Beehive Mfrs.....	2 25
Bellows Mfrs.....	2 25
Bent Wood Mfrs.....	1 80
Billiard-table Mfrs.—Including setting up at place of delivery..	2 25
Block (Pulley) Mfrs.....	2 70
Bobbin and Spool (Wood) Mfrs.....	2 43
Broom Mfrs. (No sawmill) .....	72
Broom Mfrs. (With sawmill) .....	2 70
Brush Mfrs. (No sawmill) .....	72
Brush Mfrs. (With sawmill) .....	2 70
Cabinet Works (Factory or factory and store) .....	2 25
Cane (Walking) Mfrs.....	1 80
Canoe (Wood) Builders—Shop only .....	2 25
Carpenters—Shop only .....	2 25
Carriage Woodwork Mfrs. See rates "Wood Turners."	
Chair Mfrs.....	1 80
Coffin and Casket (Wood) Mfrs.....	2 25
Coopers—Making heads, hoops, staves, etc., and assembling....	4 05
Coopers—Not making heads, hoops, staves, etc., assembling only.	2 43
Cork-cutting Works .....	2 88
Crutch Mfrs.....	1 80
Fishing Rod Mfrs.....	1 53
Furniture (Factory or Factory and Store)—Mfg. and finishing..	2 25
Furniture, Chair and Cabinet Works—Assembling of manufac- tured parts and finishing only (on premises where no machin- ery is employed) .....	1 35
Golf Clubs Mfrs.....	1 53
Hat Block Mfrs.....	2 70
Hot House Mfrs.—Shop only .....	2 25
House (Portable) Mfrs.—Shop only .....	2 25

	Rate
Incubator Mfrs.....	2 25
Joiners—In shop .....	2 25
Keg Mfrs.—Making heads, hoops, staves, etc., and assembling..	4 05
Keg Mfrs.—Not making heads, hoops, staves, etc., assembling only .....	2 43
Kindling Wood Mfrs.....	3 24
Ladder Mfrs.....	2 25
Last Mfrs.....	2 43
Lead Pencil Mfrs.....	99
Mantel (Wood) Mfrs.—Shop only .....	2 25
Mast and Spar Mfrs.—Shop only .....	3 60
Musical Instrument Mfrs. (Wood) .....	81
Organ (Cabinet or Parlor) Builders—Including the setting up at the place of delivery—Not available for division of pay-roll.	81
Organ (Pipe for Churches) Builders—Including the setting up at the place of delivery .....	2 43
Pail Mfrs.....	3 24
Parquet Flooring Mfrs.—Shop only .....	2 25
Pattern and Model (Wood) Mfrs.....	2 43
Peg and Skewer (Wood) Mfrs.....	2 25
Piano Mfrs.—Including the setting up at the place of delivery..	81
Piano Action Mfrs.....	81
Piano Forte Case Mfrs.....	81
Piano Keys Mfrs.....	81
Piano Mfrs.—Assembling of parts only .....	81
Piano Players (Automatic)—Manufacturing, installing and repair .....	81
Picture Frame Mfrs. (Not operating moulding mill or manufacturing mouldings).....	1 80
Picture Frame Mfrs. (No power machinery) .....	1 06
Pipe Mfrs.—Wood (Tobacco) .....	1 44
Pulley Block (Wood) Mfrs.....	2 70
Pump (Wood) Mfrs.....	2 25
Pyrographic Goods Mfrs.....	2 25
Rattan Goods Mfrs.....	1 35
Refrigerator Mfrs.—Shop only .....	2 25
School Supplies Mfrs.....	2 25
Screen Mfrs. (Window or door) .....	2 25
Shade Roller Mfrs. (Including assembling).....	1 80
Showcase Mfrs.....	2 25
Spar and Mast Mfrs.—Shop only.....	3 60
Spool (Wood) Mfrs.....	2 43
Tank (Wood) Builders—Shop only .....	3 60
Toy (Wood) Mfrs.....	2 43
Trunk (Wood) Mfrs.—Including metal frames and fittings.....	3 24
Tub Mfrs.....	3 24
Turners (Wood) .....	2 70
Veneer Package Mfrs.—Fruit and vegetable baskets, butter dishes, etc., made from veneer (Not veneer mfrs.).....	2 70

	Rate
Veneer Seat Mfrs. (Not veneer mfrs.) .....	2 70
Washboard Mfrs.....	2 43
Washing Machine and Clothes Wringers Mfrs.....	2 70
Weather Strip Mfrs.—Window or door .....	2 16
Wheelbarrow (Wood) Mfrs.....	2 52
Willow Ware Mfrs.....	1 35
Windmill (Wood) Mfrs.—Shop only .....	2 43
Window Blind and Wood Shade Mfrs.....	2 70
Woodenware Mfrs.—Not otherwise classified .....	2 70
Wood Heel Mfrs.....	2 25
Wood Mantel Mfrs.....	2 25
Wood Tank Builders—Shop only .....	3 60
Wood Turners .....	2 70

## UNITED STATES MINING LAWS.

**Mineral Lands Reserved.**—In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law. (R. S. 2318.)

**Mineral Lands Open to Purchase by Citizens.**—All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable, and not inconsistent with the laws of the United States. (R. S. 2319.)

**Length of Mining Claims upon Veins or Lodes.**—Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface; nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end lines of each claim shall be parallel to each other. (R. S. 2320.)

**Proof of Citizenship.**—Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in

the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by filing of a certified copy of their charter or certificate of incorporation. (R. S. 2321.)

**Locators' Rights of Possession and Enjoyment—Extralateral Rights.** The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another. (R. S. 2322.)

**Owners of Tunnels, Rights of.**—Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid, but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel. (R. S. 2323.)

**Regulations Made by Miners—Locations, How Marked—Records—Defaulting Co-owners—Money Expended on Tunnel—Assessment Period Commences January 1st Succeeding Date of Location.**—The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of



a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the 1st day of January, eighteen hundred and seventy-five, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his co-owners who have made the required expenditures. (R. S. 2324.)

Where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same. (18 Stats. at Large, 315.)

*Provided*, that the period within which the work is required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, Anno Domini eighteen hundred and seventy-two. (21 Stats. at Large, 61.)

**Patents for Mineral Lands, How Obtained—Application for Patent by Agent.**—A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, as-

sociation, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter. (R. S. 3925.)

*Provided*, that where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits: *And provided*, that this section shall apply to the applications now pending for patents to mineral lands. (21 Stats. at Large, 61.)

**Adverse Claim, Proceedings on—Adverse Claim Verified by Agent—Affidavit of Citizenship.**—Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons

making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim with the proper fees, and file the certificate and description by the surveyor general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever. (R. S. 2326.)

The adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory. (22 Stats. at Large, 49.)

Applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any State or Territory. (22 Stats. at Large, 49.)

**Description of Mining Vein or Lode Claims—Patents to Conform to Official Monuments—Monuments to Govern Descriptions.**—The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of

the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon unsurveyed lands, the surveyors general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and surveyors general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto. (R. S. 2327.)

**Pending Applications—Existing Rights.**—Applications for patents for mining claims under former laws now pending may be prosecuted to a final decision in the General Land Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two. (R. S. 2328.)

**Conformity of Placer Claims to Surveys, Limit of.**—Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands. (R. S. 2329.)

**Subdivisions of Ten-acre Tracts—Maximum of Placer Locations.** Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any *bona fide* pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any *bona fide* settler to any purchaser. (R. S. 2330.)

**Conformity of Placer Claims to Surveys, Limitation of Claims.—**

Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes. (R. S. 2331.)

**What Evidence of Possession, etc., to Establish a Right to a Patent.—**

Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent. (R. S. 2332.)

**Proceedings for Patent for Placer Claim, etc.—Payment.—**

Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim and twenty-five feet of surface on each side thereof. The remainder of the placer claim or any placer claim not embracing any vein or lode claim shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof. (R. S. 2333.)

**Surveyor General to Appoint Surveyors of Mining Claims—Expenses of Survey, How Paid—Sworn Statement.—**The surveyor

general of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office. (R. S. 2334.)

**Verification of Affidavits—Notice of Taking Testimony on Contest.**

All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land; and the register shall require proof that such notice has been given. (R. S. 2335.)

**Where Veins Intersect or Unite.**—Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection. (R. S. 2336.)

**Patents for Nonmineral Lands, Mill Sites, etc.**—Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes,

such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section. (R. S. 2337.)

**What Conditions of Sale may be Made by Local Legislature.**—As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent. (R. S. 2338.)

**Vested Rights to Use of Water for Mining—Right of Way for Canals.**—Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (R. S. 2339.)

**Patents, Pre-emptions, and Homesteads Subject to Vested and Accrued Water Rights.**—All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section. (R. S. 2340.)

**Mineral Lands in Which No Valuable Mines are Discovered Open to Homesteads.**—Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "Homesteads." (R. S. 2341.)

**Mineral Lands, How Set Apart as Agricultural Lands.**—Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same. (R. S. 2342.)

**Additional Land Districts and Officers, Power of the President to Provide.**—The President is authorized to establish additional land districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter. (R. S. 2343.)

**Provisions of This Chapter not to Affect Existing Rights.**—Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws. (R. S. 2344.)

**Grant of Lands to States or Corporations not to Include Mineral Lands.**—No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act, or acts, making the grant. (R. S. 2346.)

**Citizens of Colorado, Nevada, and the Territories and All Other Mining Districts Authorized to Fell and Remove Timber on the Public Domain for Mining and Domestic Purposes.**—All citizens of the United States and other persons, *bona fide* residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, the provisions of this act shall not extend to railroad corporations. (20 Stats. at Large, 88.)

It shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act,



within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts. (20 Stats. at Large, 88.)

Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. (20 Stats. at Large, 88.)

**Costs Where Action Brought and Title not Established in Either Party.**—If, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title. (21 Stats. at Large, 505.)

**Reservation in Patents for Right of Way for Ditches and Canals Constructed.**—In all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States. (26 Stats. at Large, 371.)

**Town Sites on Mineral Lands Authorized—Reservoir Sites—Lands Entered Under the Mineral Laws not Included in Restriction to Three Hundred and Twenty Acres.**—Town site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof, and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided*, that no entry shall be made by such mineral vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral vein applicant. (26 Stats. at Large, 1095.)

Reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry

civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs, and that the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz.: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not include lands entered or sought to be entered under mineral land laws. (26 Stats. at Large, 1095.)

**Entry of Lands Chiefly Valuable for Building Stone Under the Placer Mining Laws.**—Any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims: *Provided*, that lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act. (27 Stats. at Large, 348.)

**Mining Laws Extended to Saline Lands.**—All unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer mining claims: *Provided*, that the same person shall not locate or enter more than one claim hereunder. (31 Stats. at Large, 745.)

## REGULATIONS.

### NATURE AND EXTENT OF MINING CLAIMS.

1. **Classes of Mining Claims.**—Mining claims are of two distinct classes: Lode claims and placers.

#### LODE CLAIMS.

2. **Status of Lode Claims Enlarged by Extralateral Right.**—The status of lode claims located or patented previous to the tenth day of May, 1872, is not changed with regard to their extent along the lode or width of surface; but the claim is enlarged by sections 2322 and 2328, by investing the locator, his heirs or assigns, with the right to follow, upon the conditions stated therein, all veins, lodes, or ledges, the top or apex of which lies inside of the surface lines of his claim.

**3. Possessory Right, How Limited.**—It is to be distinctly understood, however, that the law limits the possessory right to veins, lodes, or ledges, other than the one named in the original location, to such as were not *adversely claimed on May 10, 1872*, and that where such other vein or ledge was so adversely claimed at that date the right of the party so adversely claiming is in no way impaired by the provisions of the Revised Statutes.

**4. Who may Locate—Length of Claim Along Course of Vein.**—From and after the 10th of May, 1872, any person who is a citizen of the United States, or who has declared his intention to become a citizen, may locate, record, and hold a mining claim of *fifteen hundred linear feet* along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of *fifteen hundred feet*, but in no event can a location of a vein or lode made after the tenth day of May, 1872, exceed fifteen hundred feet along the course thereof, whatever may be the number of persons composing the association.

**5. Lateral Extent of Claim.**—With regard to the extent of surface ground adjoining a vein or lode, and claimed for the convenient working thereof, the Revised Statutes provide that the lateral extent of locations of veins or lodes made after May 10, 1872, shall in no case *exceed three hundred feet on each side of the middle of the vein at the surface*, and that no such surface rights shall be limited by any mining regulations to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the 10th of May, 1872, may render such limitation necessary; the end lines of such claims to be in all cases parallel to each other. Said lateral measurements cannot extend beyond three hundred feet on *either* side of the middle of the vein at the surface, or such distance as is allowed by local laws. For example: four hundred feet cannot be taken on one side and two hundred feet on the other. If, however, three hundred feet on each side are allowed, and by reason of prior claims but one hundred feet can be taken on one side, the locator will not be restricted to less than three hundred feet on the other side; and when the locator does not determine by exploration *where* the middle of the vein at the surface is, his discovery shaft must be assumed to mark such point.

**6. Maximum Size of Lode Claim.**—By the foregoing it will be perceived that no lode claim located after the 10th of May, 1872, can exceed a parallelogram fifteen hundred feet in length by six hundred feet in width, but whether surface ground of that width can be taken depends upon the local regulations or State or Territorial laws in force in the several mining districts; and that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than fifteen hundred feet along the course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than fifty feet in width unless adverse claims existing on the 10th of May, 1872, render such lateral limitation necessary.

**7. Defining Location.**—Locators cannot exercise too much care in defining their locations at the outset, inasmuch as the law requires that all records of mining locations made subsequent to May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a *description of the claim or claims* located, by reference to some natural object or permanent monument, as will identify the claim.

**8. Necessity for Discovery.**—No lode claim shall be located until after the discovery of a vein or lode within the limits of the claim, the object of which provision is evidently to prevent the appropriation of presumed mineral ground for speculative purposes, to the exclusion of *bona fide* prospectors, before sufficient work has been done to determine whether a vein or lode really exists.

**9. Location—Discovery Work—Contents of Notice.**—The claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft or run a tunnel or drift to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice; should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface. His location notice should give the course and distance as nearly as practicable from the discovery shaft on the claim to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well-known gulches, ravines, or roads, prominent buttes, hills, etc., which may be in the immediate vicinity, and which will serve to perpetuate and fix the *locus* of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district, and should be duly recorded.

**10. Location Notice, Additional Data—Marking Corners.**—In addition to the foregoing data, the claimant should state the names of adjoining claims, or, if none adjoin, the relative positions of the nearest claims; should drive a post or erect a monument of stones at each corner of his surface ground, and at the point of discovery or discovery shaft should fix a post, stake, or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery, it being essential that the location notice filed for record, in addition to the foregoing description, should state whether the entire claim of fifteen hundred feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of such discovery point.

**11. Location Notice, Recording.**—The location notice must be filed for record in all respects as required by the State or Territorial laws and local rules and regulations, if there be any.

**12. Annual Labor.**—In order to hold the possessory title to a mining claim located prior to May 10, 1872, the law requires that *ten dollars*

shall be expended annually in labor or improvements for each *one hundred feet* in length along the vein or lode. In order to hold the possessory right to a location made since May 10, 1872, not less than one hundred dollars' worth of labor must be performed or improvements made thereon annually. Under the provisions of the act of Congress approved January 22, 1880, the first annual expenditure becomes due and must be performed during the calendar year succeeding that in which the location was made. Where a number of contiguous claims are held in common, the aggregate expenditure that would be necessary to hold all the claims, may be made upon any one claim. Cornering locations are held not to be contiguous.

**13. Relocation, When Permitted.**—Failure to make the expenditure or perform the labor required upon a location made before or since May 10, 1872, will subject a claim to relocation, unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.

**14. Necessity for Annual Labor Terminates With Entry.**—Annual expenditure is not required subsequent to entry, the date of issuing the patent certificate being the date contemplated by statute.

**15. Notice to Delinquent Co-owner.**—Upon the failure of any one of several co-owners to contribute his proportion of the required expenditures, the co-owners, who have performed the labor or made the improvements as required, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for ninety days; and if upon the expiration of ninety days after such notice in writing, or upon the expiration of one hundred and eighty days after the first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditures or improvements, his interest in the claim by law passes to his co-owners who have made the expenditures or improvements as aforesaid. Where a claimant alleges ownership of a forfeited interest under the foregoing provision, the sworn statement of the publisher as to the facts of publication, giving dates and a printed copy of the notice published, should be furnished, and the claimant must swear that the delinquent co-owner failed to contribute his proper proportion within the period fixed by the statute.

### TUNNELS.

**16. Rights of Tunnel Proprietors to Blind Lodes.**—The effect of section 2323, Revised Statutes, is to give the proprietors of a mining tunnel run in good faith the possessory right to fifteen hundred feet of any blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist, within three thousand feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the *line thereof* and within said dis-

tance of three thousand feet, unless such lodes appear upon the surface or were previously known to exist. The term "face," as used in said section, is construed and held to mean the first working face formed in the tunnel, and to signify the point at which the tunnel actually enters cover; it being from this point that the three thousand feet are to be counted upon which prospecting is prohibited as aforesaid.

**17. Notice of Tunnel Location, How Given.**—To avail themselves of the benefits of this provision of law, the proprietors of a mining tunnel will be required, at the time they enter cover as aforesaid, to give proper notice of their tunnel location by erecting a substantial post, board, or monument at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel right; the actual or proposed course or direction of the tunnel, the height and width thereof, and the course and distance from such face or point of commencement to some permanent well-known objects in the vicinity by which to fix and determine the *locus* in manner heretofore set forth applicable to locations of veins or lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof, by stakes or monuments placed along such lines at proper intervals, to the terminus of the three thousand feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.

**18. Recording Notice of Tunnel Location and Sworn Statement.**—A full and correct copy of such notice of location defining the tunnel claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants, or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is *bona fide* their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be. This notice of location must be duly recorded, and, with the said sworn statement attached, kept on the recorder's files for future reference.

### PLACER CLAIMS.

**19. Discovery.**—But one discovery of mineral is required to support a placer location, whether it be of twenty acres by an individual, or of one hundred and sixty acres or less by an association of persons.

**20. Placer Entries for Building Stone.**—The act of August 4, 1892, extends the mineral land laws so as to bring lands chiefly valuable for building stone within the provisions of said law by authorizing a placer

entry of such lands. Registers and receivers should make a reference to said act on the entry papers in the case of all placer entries made for lands containing stone chiefly valuable for building purposes. Lands reserved for the benefit of public schools or donated to any State are not subject to entry under said act.

**21. Oil Location Entries.**—The act of February 11, 1897, provides for the location and entry of public lands chiefly valuable for petroleum or other mineral oils, and entries of that nature made prior to the passage of said act are to be considered as though made thereunder.<sup>1</sup>

**22. Ten-acre Tracts are Legal Subdivisions.**—By section 2330 authority is given for subdividing forty-acre legal subdivisions into ten-acre tracts. These ten-acre tracts should be considered and dealt with as legal subdivisions, and an applicant having a placer claim which conforms to one or more of such ten-acre tracts, contiguous in case of two or more tracts, may make entry thereof, after the usual proceedings, without further survey or plat.

**23.** [Omitted.]

**24. Ten-acre Tracts, How Described.**—A ten-acre subdivision may be described, for instance if situated in the extreme northeast of the section, as the "NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ " of the section, or, in like manner, by appropriate terms, wherever situated; but, in addition to this description, the notice must give all the other data required in a mineral application, by which parties may be put on inquiry as to the land sought to be patented. The proofs submitted with applications must show clearly the character and extent of the improvements upon the premises.

**25. Proof of Improvements.**—The proof of improvements must show their value to be not less than *five hundred dollars* and that they were made by the applicant for patent or his grantors. This proof should consist of the affidavit of two or more disinterested witnesses. The annual expenditure to the amount of \$100, required by section 2324, Revised Statutes, must be made upon placer as well as lode locations.

**26. Application must Disclose Known Lodes Included in Claim.**—Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within a placer location are owned by other parties, the fact should be distinctly stated in the application for patent and in all the notices. But in all cases, whether the lode is claimed or excluded, it must be surveyed and marked upon the plat, the field-notes and plat giving the area of the lode claim or claims and the area of the placer separately. An application which omits to claim such known vein or lode must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by the affidavit of two or more witnesses.

**27. Location Never to Exceed One Hundred and Sixty Acres.**—By section 2330 it is declared that no location of a placer claim, made after July 9, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys.

**28. Conformation to Public Surveys.**—Section 2331 provides that all placer mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and such locations shall not include more than twenty acres for each individual claimant.

**29. Maximum Locations Permissible.**—The foregoing provisions of law are construed to mean that after the ninth day of July, 1870, no location of a placer claim can be made to exceed one hundred and sixty acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location can exceed twenty acres for each individual participating therein; that is, a location by two persons cannot exceed forty acres, and one by three persons cannot exceed sixty acres.

**30. Marking Placer Locations.**—The regulations hereinbefore given as to the manner of marking locations on the ground, and placing the same on record, must be observed in the case of placer locations so far as the same are applicable, the law requiring, however, that all placer mining claims located after May 10, 1872, shall conform as near as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, whether the locations are upon surveyed or unsurveyed lands.

*When Conformity not Required.*—Conformity to the public land surveys and the rectangular subdivisions thereof will not be required where compliance with such requirement would necessitate the placing of the lines thereof upon other prior located claims or where the claim is surrounded by prior locations.

*The Same.*—Where a placer location by one or two persons can be entirely included within a square forty-acre tract, by three or four persons within two square forty-acre tracts placed end to end, by five or six persons within three square forty-acre tracts and by seven or eight persons within four square forty-acre tracts, such locations will be regarded as within the requirements where strict conformity is impracticable.

*Policy of Government as to Shape of Locations.*—Whether a placer location conforms reasonably with the legal subdivisions of the public surveys is a question of fact to be determined in each case and no location will be passed to patent without satisfactory evidence in this regard. Claimants should bear in mind that it is the policy of the Government to have all entries whether of agricultural or mineral lands as compact and regular in form as reasonably practicable, and that it will not permit or sanction entries or locations which cut the public



domain into long narrow strips or grossly irregular or fantastically shaped tracts. (Snow Flake Fraction Placer, 37 L. D. 250.)

### **REGULATIONS UNDER SALINE ACT.**

**31. Single Locations Only Permitted.**—Under the act approved January 31, 1901, extending the mining laws to saline lands, the provisions of the law relating to placer mining claims are extended to all States and Territories and the district of Alaska, so as to permit the location and purchase thereunder of all unoccupied public lands containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, with the proviso, "That the same person shall not locate or enter more than one claim hereunder."

**32. Application for Entry or Patent Limited to One Location.**—Rights obtained by location under the placer mining laws are assignable, and the assignee may make the entry in his own name; so, under this act a person holding as assignee may make entry in his own name: *Provided*, he has not held under this act, at any time, either as locator or entryman, any other lands; his right is exhausted by having held under this act any particular tract, either as locator or entryman, either as an individual or as a member of an association. It follows, therefore, that no application for patent or entry, made under this act, shall embrace more than one single location.

**33. Oath Accompanying Application for Patent.**—In order that the conditions imposed by the proviso, as set forth in the above paragraph, may duly appear, the application for patent must contain or be accompanied by a specific statement under oath by each person whose name appears therein that he never has, either as an individual or as a member of an association, located or entered any other lands under the provisions of this act. The application for patent should also be accompanied by a showing under oath, fully disclosing the qualifications as defined by the proviso, of the applicants' predecessors in interest. (As amended June 4, 1912.)

### **PROCEDURE TO OBTAIN PATENT TO MINERAL LANDS. LODE CLAIMS.**

**34. Survey, Plat and Field-notes.**—The claimant is required, in the first place, to have a correct survey of his claim made under authority of the surveyor general of the State or Territory in which the claim lies, such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. Four plats and one copy of the original field-notes in each case will be prepared by the surveyor-general; one plat and the original field-notes to be retained in the office of the surveyor general; one copy of the plat to be given the claimant for posting upon the claim; one plat and a copy of the field-notes to be given the claimant for filing with the proper register, to be finally transmitted by that officer, with other papers in the case, to this office, and one plat

to be sent by the surveyor general to the register of the proper land district, to be retained on his files for future reference. As there is no resident surveyor general for the State of Arkansas, applications for the survey of mineral claims in said State should be made to the Commissioner of this office, who, under the law, is *ex officio* the United States surveyor general. (See instructions of July 29, 1911, p. 67.)

**35. Survey and Plat must be Filed After Recording of Location Notice.**—The survey and plat of mineral claims required to be filed in the proper land office with application for patent must be made subsequent to the recording of the location of the claim (if the laws of the State or Territory or the regulations of the mining district require the notice of location to be recorded), and when the original location is made by survey of a United States mineral surveyor such location survey cannot be substituted for that required by the statute, as above indicated.

**36. Number of Survey—Connection Survey—Two Mile Limit.**—The surveyors general should designate all surveyed mineral claims by a progressive series of numbers, beginning with survey No. 37, irrespective as to whether they are situated on surveyed or unsurveyed lands, the claim to be so designated at date of issuing the order therefor, in addition to the local designation of the claim; it being required in all cases that the plat and field-notes of the survey of a claim must, in addition to the reference to permanent objects in the neighborhood, describe the *locus* of the claim with reference to the lines of public surveys by a line connecting a corner of the claim with the nearest public corner of the United States surveys, unless such claim be on unsurveyed lands at a distance of more than two miles from such public corner, in which latter case it should be connected with a United States mineral monument. Such connecting line must not be more than *two miles* in length, and should be measured on the ground direct between the points, or calculated from actually surveyed traverse lines if the nature of the country should not permit direct measurement. If a regularly established survey corner is within two miles of a claim situated on unsurveyed lands, the connection should be made with such corner in preference to a connection with a United States mineral monument. The connecting line or traverse line must be surveyed by the mineral surveyor at the time of his making the particular survey and be made a part thereof.

**37. Report of Survey.**—(a) Promptly upon the approval of a mineral survey the surveyor general will advise both this office and the appropriate local land office, by letter (Form 4-286), of the date of approval, number of the survey, name and area of the claim, name and survey number of each approved mineral survey with which actually in conflict, name and address of the applicant for survey, and name of the mineral surveyor who made the survey; and will also briefly describe therein the *locus* of the claim, specifying each legal subdivision or portion thereof, when upon surveyed lands, covered in whole or in part by the survey;

but hereafter no segregation of any such claim upon the official township survey records will be made until mineral entry has been made and approved for patent, unless otherwise directed by this office.

*Procedure on Applications for Agricultural Entry Where Patent Applications for Mineral Claims Have Been Filed.*—(b) Upon application to make agricultural entry of the residue of any original lot or legal subdivision of forty acres, reduced by mining claims for which patent applications have been filed and which residue has been already reallotted in accordance therewith, the local officers will accept and approve the application as usual, if found to be regular. When such an application is filed for any such original lot or subdivision, reduced in available area by duly asserted mining claims but not yet reallotted accordingly, the local officers will promptly advise this office thereof; and will also report and identify any pending application for mineral patent affecting such subdivision which the agricultural applicant does not desire to contest. The surveyor general will thereupon be advised by this office of such mining claims, or portions thereof, as are proper to be segregated, and directed to at once prepare, upon the usual drawing-paper township blank, diagram of amended township survey of such original lot or legal forty-acre subdivision so made fractional by such mineral segregation, designating the agricultural portion by appropriate lot number, beginning with No. 1 in each section and giving the area of each lot, and will forthwith transmit one approved copy to the local land office and one to this office. In the meantime the local officers will accept the agricultural application (if no other objection appears), suspend it with reservation of all rights of the applicant if continuously asserted by him, and upon receipt of amended township diagram will approve the application (if then otherwise satisfactory) as of the date of filing, corrected to describe the tract as designated in the amended survey.

*Application for Segregation of Agricultural and Mineral Lands, Procedure on.*—(c) The register and receiver will allow no agricultural claim for any portion of an original lot or legal forty-acre subdivision, where the reduced area is made to appear by reason of approved surveys of mining claims and for which applications for patent have not been filed, until there is submitted by such agricultural applicant a satisfactory showing that such surveyed claims are in fact mineral in character; and applications to have lands asserted to be mineral, or mining locations, segregated by survey, with the view to agricultural appropriation of the remainder, will be made to the register and receiver for submission to the Commissioner of the General Land Office, for his consideration and direction, and must be supported by the affidavit of the party in interest, duly corroborated by two or more disinterested persons, or by such other or further evidence as may be required in any case, that the lands sought to be segregated as *mineral* are in fact *mineral* in character; otherwise, in the absence of satisfactory showing in any such case, such original lot or legal subdivision will be subject to agricultural appropriation only. When any such showing shall be

found to be satisfactory and the necessary survey is had, amended township diagram will be required and made as prescribed in the preceding section.

**38. Contents of Survey of Mining Claim.**—The following particulars should be observed in the survey of every mining claim:

(1) The exterior boundaries of the claim, the number of feet claimed along the vein, and, as nearly as can be ascertained, the direction of the vein, and the number of feet claimed on the vein in each direction from the point of discovery or other well-defined place on the claim should be represented on the plat of survey and in the field-notes.

(2) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field-notes and represented upon the plat.

(3) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres.
Total area of claim.....	10.50
Area in conflict with survey No. 302.....	1.56
Area in conflict with survey No. 948.....	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed .....	1.48

It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the areas of conflict are to be excluded. The field-notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. The application for patent should state the portions to be excluded in express terms.

**39. Posting Plat and Notice—Contents of Notice.**—The claimant is then required to post a copy of the plat of such survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, the number of the survey, the mining district and county, and the names of adjoining and conflicting claims as shown by the plat survey. Too much care cannot be exercised in the preparation of this notice, inasmuch as the data therein are to be repeated in the other notices required by the statute, and upon the accuracy and completeness of these notices will depend, in a great measure, the regularity and validity of the proceedings for patent.

**40. Filing Copy of Plat, Field-notes, Notice, and Affidavit of Posting.** After posting said plat and notice upon the premises, the claimant will file with the proper register and receiver a copy of such plat and the field-notes of survey of the claim, accompanied by the affidavit of at least two credible witnesses that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting;

a copy of the *notice* so posted to be attached to and form a part of said affidavit.

**41. Sworn Statement Accompanying Field-notes.**—Accompanying the field-notes so filed must be the sworn statement of the claimant that he has the possessory right to the premises therein described, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district, State, or Territory in which the claim lies, and with the mining laws of Congress; such sworn statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession and the basis of his claim to a patent. The vein or lode must be fully described, the description to include a statement as to the kind and character of mineral, the extent thereof, whether ore has been extracted and of what amount and value and such other facts as will support the applicant's allegation that the claim contains a valuable mineral deposit.

*Description of Vein or Lode.*—The attention of the department having been called to the last clause of paragraph 41 of the mining regulations, the department made the following ruling of June 11, 1909:

"It seems that the expression, 'the extent thereof,' is being construed as meaning that the applicant must affirmatively show by proof of exploration that the vein exists in fact throughout the whole length of the claim.

"This construction of the paragraph is erroneous. By the words quoted it was intended to require the claimant to show the existence of a vein in such workings as he relied on to establish a discovery. By the extent of the vein was meant its size and quality as disclosed. That being done, the presumption exists that the vein extends on its strike throughout the whole length of the claim as located.

"The sole purpose of that part of paragraph 41 quoted was to enable the land department to know, so far as applicant can reasonably show, the definite facts upon which the right to the patent is predicated so as to determine whether a valuable mineral deposit exists in the land claimed."

**42. Certified Copy of Location Notice—Abstract of Title.**—This sworn statement must be supported by a copy of each location notice, certified by the legal custodian of the record thereof, and also by an abstract of title of each claim certified by the legal custodian of the records of transfers, or by a duly authorized abstracter of titles. The certificate must state that no conveyances affecting, or purporting to affect, the title to the claim or claims appear of record other than those set forth.

*Supplemental Abstract.*—Outside of the District of Alaska, the application for patent will be received and filed if the abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant who must as soon as practicable thereafter file a supplemental abstract brought down so as to include the date of the filing of the application. Publication will not

be ordered until the showing as to title is thus completed and the local land officers are satisfied that full title was in the applicant on the day of the filing of the application.

**Abstract in Alaska.**—In the District of Alaska the application for patent will be received and filed and the order for publication issued if the abstract showing full title in the applicant is brought down to a day reasonably near the date of the presentation of the application. A supplemental abstract of title brought down so as to include the date of the filing of the application must be furnished prior to the expiration of the sixty-day period of publication.

**Reliability of Abstract.**—No certificate from an abstracter or abstract company will be accepted until approval by the Commissioner of the General Land Office of a favorable report of the chief of field division, or United States district attorney whose division or district embraces the lands in question, as to the reliability and responsibility of such abstracter or company.

**43. Lost or Destroyed Records.**—In the event of the mining records in any case having been destroyed by fire or otherwise lost, affidavit of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the affidavit of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession and tend to establish his claim, should be filed.

**44. Approval for Publication When Refused—Appeal.**—Before approving for publication any notice of an application for mineral patent, local officers will be particular to see that it includes no land which is embraced in a prior or pending application for patent or entry, or for any land embraced in a railroad selection, or for which publication is pending or has been made by any other claimants, and if, in their opinion, after investigation, it should appear that notice of a mineral application should not, for this or other reasons, be approved for publication, they should formally reject the same, giving the reasons therefor, and allow the applicant thirty days for appeal to this office under the Rules of Practice. (As amended August 9, 1911.)

**Notice to Railroads.**—Local officers will give prompt and appropriate notice to the railroad grantee of the filing of every application for mineral patent which embraces any portion of an odd-numbered section of surveyed lands within the primary limits of a railroad land grant, and of every such application embracing any portion of unsurveyed lands within such limits (except as to any such application which embraces a portion or portions of those ascertained or prospective odd-numbered sections only, within the limits of the grant in Montana and Idaho to the Northern Pacific Railroad Company, which have been classified as mineral under the act of February 26, 1895, without protest by the company within the time limited by the statute or the mineral classification whereof has been approved).

**Protest by Railroad.**—Should the railroad grantee file protest and apply for a hearing to determine the character of the land involved in any such application for mineral patent, proceedings thereunder will be had in the usual manner.

**Protest and Appeal Where Railroad Lands Listed or Selected.**—Any application for mineral patent, however, which embraces lands previously listed or selected by a railroad company will be disposed of as provided by the first section of this paragraph, and the applicant afforded opportunity to protest and apply for a hearing or to appeal.

**Notice to Railroad—Burden of Proof Where Lands Unsurveyed.**—Notice should be given to the duly authorized representative of the railroad grantee, in accordance with rule 17 of Practice. When the claims applied for are upon unsurveyed land, the burden of proving that they are situate within prospective odd-numbered sections will rest upon the railroad.

**Proof of Service of Notice.**—Evidence of service of notice should be filed with the record in each case.

**45. Publication of Notice of Application.**—Upon the receipt of these papers, if no reason appears for rejecting the application, the register will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of sixty days in a newspaper published nearest to the claim, and will post a copy of such notice in his office for the same period. When the notice is published in a *weekly* newspaper, nine consecutive insertions are necessary; when in a *daily* newspaper, the notice must appear in each issue for sixty-one consecutive issues. In both cases the first day of issue must be excluded in estimating the period of sixty days.

**46. Contents of Notice.**—The notices so published and posted must embrace all the data given in the notice posted upon the claim. In addition to such data the published notice must further indicate the *locus* of the claim by giving the connecting line, as shown by the field-notes and plat, between a corner of the claim and a United States mineral monument or a corner of the public survey, and thence the boundaries of the claim by courses and distances.

**47. Character of Newspaper.**—The register shall publish the notice of application for patent in a paper of established character and general circulation, to be by him designated as being the newspaper published nearest the land.

**48. Certificate of Surveyor General.**—The claimant at the time of filing the application for patent, or at any time within the sixty days of publication, is required to file with the register a certificate of the surveyor general that not less than five hundred dollars' worth of labor has been expended or improvements made, by the applicant or his grantors, upon each location embraced in the application, or if the application embraces several contiguous locations held in common, that an amount equal to five hundred dollars for each location has been so expended upon,

and for the benefit of, the entire group; that the plat filed by the claimant is correct; that the field-notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporated in a patent, serve to fully identify the premises, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the *locus* thereof: *Provided*, that as to all applications for patents made and passed to entry before July 1, 1898, or which are by protests or adverse claims prevented from being passed to entry before that time, where the application embraces several locations held in common, proof of an expenditure of five hundred dollars upon the group will be sufficient, and an expenditure of that amount need not be shown to have been made upon, or for the benefit of, each location embraced in the application.

**49. Surveyor General's Certificate, upon What Based.**—The surveyor general may derive his information upon which to base his certificate as to the value of labor expended or improvements made from the mineral surveyor who makes the actual survey and examination upon the premises, and such mineral surveyor should specify with particularity and full detail the character and extent of such improvements, but further or other evidence may be required in any case.

**50. Indorsement of Certificate.**—It will be convenient to have this certificate indorsed by the surveyor general, both upon the plat and field-notes of survey filed by the claimant as aforesaid.

**51. Affidavits of Publication and Posting.**—After the sixty days' period of newspaper publication has expired, the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own affidavit showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said sixty days' publication, giving the dates.

**52. Payment for Land, Affidavit of Charges and Fees—Issuance of Patent.**—Upon the filing of this affidavit the register will, if no adverse claim was filed in his office during the period of publication, and no other objection appears, permit the claimant to pay for the land to which he is entitled at the rate of five dollars for each acre and five dollars for each fractional part of an acre, except as otherwise provided by law, the receiver issuing the usual receipt therefor. The claimant will also make a sworn statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the register and receiver of the land office, after which the complete record will be forwarded to the Commissioner of the General Land Office and a patent issued thereon if found regular.

**53. Protest Against Patent, Grounds of—Who may Protest.**—At any time prior to the issuance of patent protest may be filed against the patenting of the claim as applied for, upon any ground tending to show that the applicant has failed to comply with the law in any matter essential to a valid entry under the patent proceedings. Such protest



cannot, however, be made the means of preserving a surface conflict lost by failure to adverse or lost by the judgment of the court in an adverse suit. One holding a present joint interest in a mineral location included in an application for patent who is excluded from the application, so that his interest would not be protected by the issue of patent thereon, may protest against the issuance of a patent as applied for, setting forth in such protest the nature and extent of his interest in such location, and such a protestant will be deemed a party in interest entitled to appeal. This results from the holding that a co-owner excluded from an application for patent does not have an "adverse" claim within the meaning of sections 2325 and 2326 of the Revised Statutes. (See *Turner v. Sawyer*, 150 U. S. 578-586.)

**54. Application by Trustee.**—Any party applying for patent as *trustee* must disclose fully the nature of the trust and the name of the *cestui que trust*; and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citizenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.

**55. Annual Expenditure not Involved on Application for Patent.**—The annual expenditure of one hundred dollars in labor or improvements on a mining claim, required by section 2324 of the Revised Statutes, is solely a matter between rival or adverse claimants to the same mineral land, and goes only to the right of possession, the determination of which is committed exclusively to the courts.

**56. Effect of Failure to Prosecute Application.**—The failure of an applicant for patent to a mining claim to prosecute his application to completion, by filing the necessary proofs and making payment for the land, within a reasonable time after the expiration of the period of publication of notice of the application, or after the termination of adverse proceedings in the courts, constitutes a waiver by the applicant of all rights obtained by the earlier proceedings upon the application.

**57. Completion After Adverse Claim Filed.**—The proceedings necessary to the completion of an application for patent to a mining claim, against which an adverse claim or protest has been filed, if taken by the applicant at the first opportunity afforded therefor under the law and departmental practice, will be as effective as if taken at the date when, but for the adverse claim or protest, the proceedings on the application could have been completed.

### PLACER CLAIMS.

**58. Patents for Placers, When No Survey Necessary.**—The proceedings to obtain patents for placer claims, including all forms of mineral deposits excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where a placer claim shall be upon surveyed lands, and conforms to legal subdivisions, no further survey or plat will be required. Where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands.

**59. Proceedings for Patent—Price of Placer Claims.**—The proceedings for obtaining patents for veins or lodes having already been fully given, it will not be necessary to repeat them here, it being thought that careful attention thereto by applicants and the local officers will enable them to act understandingly in the matter, and make such slight modifications in the notice, or otherwise, as may be necessary in view of the different nature of the two classes of claims; the price of placer claims being fixed, however, at two dollars and fifty cents per acre or fractional part of an acre.

**60. Additional Recitals Necessary.**—In placer applications, in addition to the recitals necessary in and to both vein or lode and placer applications, the placer application should contain, in detail, such data as will support the claim that the land applied for is placer ground containing valuable mineral deposits not in vein or lode formation and that title is sought not to control watercourses or to obtain valuable timber but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim be for a deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold. If it be a building stone or other deposit than gold claimed under the placer laws, it must describe fully the kind, nature, and extent of the deposit, stating the reasons why same is by him regarded as a valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any, must be fully described as to their course, amount of water carried, fall within the claim; and he must state kind and amount of timber and other vegetation thereon and adaptability to mining or other uses.

If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by section 2333, Revised Statutes, must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

While this data is required as a part of the mineral surveyor's report under paragraph 167, in case of placers taken by special survey, it is proper that the application for patent incorporate these facts under the oath of the claimant.

Inasmuch as in case of claims taken by legal subdivisions, no report by a mineral surveyor is required, the claimant, in his application in addition to the data above required, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their

dimensions, value, and the course and distance thereof to the nearest corner of the public surveys.

As prescribed by paragraph 25, this statement as to the description and value of the improvements must be corroborated by the affidavits of two disinterested witnesses.

Applications awaiting entry, whether published or not, must be made to conform to these regulations, with respect to proof as to the character of the land. Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

Local land officers are instructed that if the proofs submitted in placer applications under this paragraph are not satisfactory as showing the land as a whole to be placer in character, or if the claims impinge upon or embrace watercourses or bodies of water, and thus raise a doubt as to the *bona fides* of the location and application, or the character and extent of the deposit claimed thereunder, to call for further evidence, or if deemed necessary, request the specific attention of the Chief of Field Service thereto in connection with the usual notification to him under the circular instructions of April 24, 1907, and suspend further action on the application until a report thereon is received from the field officer.

### MILL SITES.

**61. Mill Sites must be Nonmineral.**—Land entered as a mill site must be shown to be nonmineral. Mill sites are simply auxiliary to the working of mineral claims, and as section 2337, which provides for the patenting of mill sites, is embraced in the chapter of the Revised Statutes relating to mineral lands, they are therefore included in this circular.

**62. Application and Patent for Mill Site.**—To avail themselves of this provision of law, parties holding the possessory right to a vein or lode claim, and to a piece of nonmineral land not contiguous thereto for mining or milling purposes, not exceeding the quantity allowed for such purpose by section 2337, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper land office their application for a patent, under oath, in manner already set forth herein, which application, together with the plat and field-notes, may include, embrace, and describe, in addition to the vein or lode claim, such noncontiguous mill site, and after due proceedings as to notice, etc., a patent will be issued conveying the same as one claim. The owner of a patented lode may, by an independent application, secure a mill site if good faith is manifest in its use or occupation in connection with the lode and no adverse claim exists.

**63. Survey and Price Per Acre.**—Where the original survey includes a lode claim and also a mill site the lode claim should be described in the plat and field-notes as "Sur. No. 37, A," and the mill site as "Sur. No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill site to a corner of the

lode claim to be invariably given in such plat and field-notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill site as well as upon the vein or lode claim for the statutory period of sixty days. In making the entry no separate receipt or certificate need be issued for the mill site, but the whole area of both lode and mill site will be embraced in one entry, the price being five dollars for each acre and fractional part of an acre embraced by such lode and mill site claim.

**64. Patent for Mill Site by Nonowner of Lode.**—In case the owner of a quartz-mill or reduction works is not the owner or claimant of a vein or lode claim the law permits him to make application therefor in the same manner prescribed herein for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill site at said price per acre.

**65. Testimony as to Nonmineral Character.**—In every case there must be satisfactory proof that the land claimed as a mill site is not mineral in character, which proof may, where the matter is unquestioned, consist of the sworn statement of two or more persons capable, from acquaintance with the land, to testify understandingly.

### CITIZENSHIP.

**66. Charter of Corporation to be Filed—Affidavit and Power of Attorney When Association Unincorporated.**—The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of their charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the affidavit of their duly authorized agent, made upon his own knowledge or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This affidavit must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the affidavit of citizenship to act for them in the matter of their application for patent.

**67. Affidavit of Citizenship by Individual.**—In case of an individual or an association of individuals who do not appear by their duly authorized agent, the affidavit of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence, will be required.

**68. Contents When Naturalized or Intention Declared.**—In case an applicant has declared his intention to become a citizen or has been naturalized, his affidavit must show the date, place, and the court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.

**69. Affidavit, Before Whom Taken.**—The affidavit of the claimant as to his citizenship may be taken before the register or receiver, or any other officer authorized to administer oaths within the land districts; or, if the claimant is residing beyond the limits of the district, the affi-

davit may be taken before the clerk of any court of record or before any notary public of any State or Territory.

**70. Testimony, Where Taken.**—If citizenship is established by the testimony of disinterested persons, such testimony may be taken at any place before any person authorized to administer oaths, and whose official character is duly verified.

**71. Entries—When Allowed—Subsequent Transfers.**—No entry will be allowed until the register has satisfied himself, by careful examination, that proper proofs have been filed upon the points indicated in the law and official regulations. Transfers made subsequent to the filing of the application for patent will not be considered, but entry will be allowed and patent issued in all cases in the name of the applicant for patent, the title conveyed by the patent, of course, in each instance inuring to the transferee of such applicant where a transfer has been made pending the application for patent.

**72. Mineral Entries, How Numbered.**—The mineral entries will be given the current serial numbers according to the provisions of the circular of June 10, 1908, whether the same are of lode or of placer claims or of mill sites.

**73. Duty of Register in Sending Up Papers.**—In sending up the papers in a case the register must not omit certifying to the fact that the notice was posted in his office for the full period of sixty days, such certificate to state distinctly when such posting was done and how long continued. The schedule of papers, form 4-252f, should accompany the returns with all mineral applications and entries allowed.

### POSSESSORY RIGHT.

**74. Title by Adverse Possession.**—The provisions of section 2332, Revised Statutes, will greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

**75. Proof Required.**—When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyances, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State or Territory, together with his sworn statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the

claimant's knowledge having a direct bearing upon his possession and *bona fides* which he may desire to submit in support of his claim.

**76. Certificate of Court.**—There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State or Territory as aforesaid other than that which has been finally decided in favor of the claimant.

**77. Corroborative Testimony.**—The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.

### ADVERSE CLAIMS.

**78. Adverse Claim, Where Filed—How Verified.**—An adverse claim must be filed with the register and receiver of the land office where the application for patent is filed or with the register and receiver of the district in which the land is situated at the time of filing the adverse claim. It must be on the oath of the adverse claimant, or it may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated.

**79. Verification by Agent.**—Where an agent or attorney in fact verifies the adverse claim, he must distinctly swear that he is such agent or attorney, and accompany his affidavit by proof thereof.

**80. Where Made.**—The agent or attorney in fact must make the affidavit in verification of the adverse claim within the land district where the claim is situated.

**81. Contents of Adverse Claim.**—The adverse claim so filed must fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for valuable consideration or as a locator. If the former, a certified copy of the original location, the original conveyance, a duly certified copy thereof, or an abstract of title from the office of the proper recorder should be furnished, or if the transaction was a merely verbal one he will narrate the circumstances attending the purchase, the date thereof, and the amount paid, which facts should be supported by the affidavit of one or more witnesses, if any were present at the time, and if he claims a locator he must file a duly certified copy of the location from the office of the proper recorder.

**82. Plat—When Necessary.**—In order that the "boundaries" and "extent" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his entire claim, its relative situation or position with the one against which he claims, and the

extent of the conflict: *Provided, however*, that if the application for patent describes the claim by legal subdivisions, the adverse claimant, if also claiming by legal subdivisions, may describe his adverse claim in the same manner without further survey or plat. If the claim is not described by legal subdivisions, it will generally be more satisfactory if the plat thereof is made from an actual survey by a mineral surveyor, and its correctness officially certified thereon by him.

**83. Notice of Filing by Register or Receiver.**—Upon the foregoing being filed within the sixty days' period of publication, the register, or in his absence the receiver, will immediately give notice in writing to *the parties* that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within thirty days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that, should such adverse claimant fail to do so, his adverse claim will be considered waived and the application for patent be allowed to proceed upon its merits.

**84. Stay of Proceedings.**—When an adverse claim is filed as aforesaid, the register or receiver will indorse upon the same the precise date of filing, and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be stayed, with the exception of the completion of the publication and posting of notices and plat and the filing of the necessary proof thereof, until the controversy shall have been finally adjudicated in court or the adverse claim waived or withdrawn.

**85. Certified Copy of Judgment-roll.**—Where an adverse claim has been filed and suit thereon commenced within the statutory period and final judgment rendered determining the right of possession, it will not be sufficient to file with the register a certificate of the clerk of the court setting forth the facts as to such judgment, but the successful party must, before he is allowed to make entry, file a certified copy of the judgment-roll, together with the other evidence required by Section 2326, Revised Statutes.

**86. Order of Dismissal.**—Where such suit has been dismissed, a certificate of the clerk of the court to that effect or a certified copy of the order of dismissal will be sufficient.

**87. Relinquishment not Accepted.**—After an adverse claim has been filed and suit commenced, a relinquishment or other evidence of abandonment of the adverse claim will not be accepted, but the case must be terminated and proof thereof furnished as required by the last two paragraphs.

**88. Certificate Where Suit not Commenced.**—Where an adverse claim has been filed, but no suit commenced against the applicant for patent within the statutory period, a certificate to that effect by the clerk of the State court having jurisdiction in the case, and also by the clerk

of the district court of the United States for the district in which the claim is situated, will be required. (Amended, November 6, 1912.)

### **APPOINTMENT OF SURVEYORS FOR SURVEY OF MINING CLAIMS AND CHARGES.**

**89. Maximum Charges for Newspaper Publications.**—Section 2334 provides for the appointment of surveyors to survey mining claims, and authorizes the Commissioner of the General Land Office to establish the rates to be charged for surveys and for newspaper publications. Under this authority of law the following rates have been established as the maximum charges for newspaper publications in mining cases:

(1) Where a daily newspaper is designated the charge shall not exceed seven dollars for each ten lines of space occupied, and where a weekly newspaper is designated as the medium of publication five dollars for the same space will be allowed. Such charge shall be accepted as full payment for publication in each issue of the newspaper for the entire period required by law.

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and the said rates established upon the understanding that they are to be in the usual body type used for advertisements.

(2) For the publication of citations in contests or hearings involving the character of lands the charges shall not exceed eight dollars for five publications in weekly newspapers or ten dollars for publications in daily newspapers for thirty days.

**90. Mineral Surveyors—Appointment and Bond.**—The surveyors-general of the several districts will, in pursuance of said law, appoint in each land district as many competent surveyors for the survey of mining claims as may seek such appointment, it being distinctly understood that all expenses of these notices and surveys are to be borne by the mining claimants and not by the United States. The statute provides that the claimant shall also be at liberty to employ any United States mineral surveyor to make the survey. Each surveyor appointed to survey mining claims before entering upon the duties of his office or appointment shall be required to enter into a bond of not less than \$5,000 for the faithful performance of his duties.

**91. Deposit for Survey.**—With regard to the platting of the claim and other office work in the surveyor general's office, that officer will make an estimate of the cost thereof, which amount the claimant will deposit with any assistant United States treasurer or designated depository in favor of the United States Treasurer, to be passed to the credit of the fund created by "individual depositors for surveys of the public lands," and file with the surveyor general duplicate certificates of such deposit in the usual manner.

**92. Surveyors for Each Mining District.**—The surveyors general will endeavor to appoint surveyors to survey mining claims so that one or more may be located in each mining district for the greater convenience of miners.



**93. Duties of Surveyor—Not Allowed to Prepare Papers.**—The usual oaths will be required of these surveyors and their assistants as to the correctness of each survey executed by them.

The duty of the surveyor ceases when he has executed the survey and returned the field-notes and preliminary plat thereof with his report to the surveyor general. He will not be allowed to prepare for the mining claimant the papers in support of an application for patent, or otherwise perform the duties of an attorney before the land office in connection with a mining claim.

The surveyors general and local land officers are expected to report any infringement of this regulation to this office.

**94. Exorbitant Charges.**—Should it appear that excessive or exorbitant charges have been made by any surveyor or any publisher, prompt action will be taken with the view of correcting the abuse.

### **FEES OF REGISTERS AND RECEIVERS.**

**95. Fees.**—The fees payable to the register and receiver for filing and acting upon applications for mineral land patents are five dollars to each officer, to be paid by the applicant for patent at the time of filing, and the like sum of five dollars is payable to each officer by an adverse claimant at the time of filing his adverse claim. (Section 2238, Rev. Stats., par. 9.)

[Paragraphs 96, 97, and 98 omitted.]

### **HEARINGS TO DETERMINE CHARACTER OF LANDS.**

**99. Rules of Practice.**—The Rules of Practice in cases before the United States district land offices, the General Land Office, and the Department of the Interior will, so far as applicable, govern in all cases and proceedings arising in contests and hearings to determine the character of lands.

**100. Mineral Lands Withheld from Entry as Agricultural Lands.**—Public land returned by the surveyor general as mineral shall be withheld from entry as agricultural land until the presumption arising from such a return shall be overcome by testimony taken in the manner hereinafter described.

**101. Hearings.**—Hearings to determine the character of lands:

(1) *Lands returned as mineral by the surveyor-general.*

When such lands are sought to be entered as agricultural under laws which require the submission of final proof after due notice by publication and posting, the filing of the proper nonmineral affidavit in the absence of allegations that the land is mineral will be deemed sufficient as a preliminary requirement. A satisfactory showing as to character of land must be made when final proof is submitted.

In case of application to enter, locate, or select such lands as agricultural, under laws in which the submission of final proof after due publication and posting is *not* required, notice thereof must first be

given by publication for sixty days and posting in the local office during the same period, and affirmative proof as to the character of the land submitted. In the absence of allegations that the land is mineral, and upon compliance with this requirement, the entry, location, or selection will be allowed, if otherwise regular.

(2) *Lands returned as agricultural* and alleged to be mineral in character.

Where as against the claimed right to enter such lands as agricultural it is alleged that the same are mineral, or are applied for as mineral lands, the proceedings in this class of cases will be in the nature of a contest, and the practice will be governed by the rules in force in contest cases.

[Paragraphs 102 to 104 omitted.]

**105. Testimony on Hearing as to Mineral Character.**—At hearings to determine the character of lands the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist upon the land; if so, what is the character thereof—whether of the shallow surface description, or of the deep cement, blue lead, or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular ten-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all. In every case, where practicable, an adequate quantity or number of representative samples of the alleged mineral-bearing matter or material should be offered in evidence, with proper identification, to be considered in connection with the record, with which they will be transmitted upon each appeal that may be taken. Testimony may be submitted as to the geological formation and development of mineral on adjoining or adjacent lands and their relevancy.

**106. Testimony on Hearing—As to Agricultural Character.**—The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, and the value thereof; the number of acres actually cultivated for crops of cereals or vegetables, and within which particular ten-acre subdivision such crops are raised; also which of these subdivisions embrace the improvements, giving in detail the extent and value of the improvements, such as house, barn, vineyard, orchard, fencing, etc., and mining improvements.

**107. Should Show Date When Existence of Minerals First Known.** The testimony should be as full and complete as possible; and in

addition to the leading points indicated above, where an attempt is made to prove the mineral character of lands which have been entered under the agricultural laws, it should show at what date, if at all, valuable deposits of minerals were first known to exist on the lands.

**108. Survey to Segregate Agricultural and Mineral Lands.**—When the case comes before this office, such decision will be made as the law and the facts may justify. In cases where a survey is necessary to set apart the mineral from the agricultural land, the proper party, *at his own expense*, will be required to have the work done by a reliable and competent surveyor to be designated by the surveyor general. Application therefor must be made to the register and receiver, accompanied by description of the land to be segregated and the evidence of service upon the opposite party of notice of his intention to have such segregation made. The register and receiver will forward the same to this office, when the necessary instructions for the survey will be given. The survey in such case, where the claims to be segregated are vein or lode claims, must be executed in such manner as will conform to the requirements in section 2320, Revised Statutes, as to length and width and parallel end lines.

**109. Survey to be Sworn to.**—Such survey when executed must be properly sworn to by the surveyor, either before a notary public, United States commissioner, officer of a court of record, or before the register or receiver, the deponent's character and credibility to be properly certified to by the officer administering the oath.

**110. Verification by Surveyor General.**—Upon the filing of the plat and field-notes of such survey with the register and receiver, duly sworn to as aforesaid, they will transmit the same to the surveyor general for his verification and approval, who, if he finds the work correctly performed, will furnish authenticated copies of such plat and description both to the proper local land office and to this office, made upon the usual drawing-paper township blank.

The copy of plat furnished the local office and this office must be a diagram verified by the surveyor general, showing the claim or claims segregated, and designating the separate fractional agricultural tracts in each 40-acre legal subdivision by the proper lot number, beginning with No. 1 in each section, and giving the area in each lot, the same as provided in paragraph 37 in the survey of mining claims on surveyed lands.

**111. Effect of Decision That Land is Mineral.**—The fact that a certain tract of land is decided upon testimony to be mineral in character is by no means equivalent to an award of the land to a miner. In order to secure a patent for such land, he must proceed as in other cases, in accordance with the foregoing regulations.

Blank forms for proofs in mineral cases are not furnished by the General Land Office.

### FOREST RESERVATIONS.

**Forest Reservations, When to be Established.**—All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions:

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. (30 Stats. at Large, 34, 35, 36.)

**Use of Timber, etc., by Settlers, etc.**—The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by *bona fide* settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

**Egress and Ingress of Settlers Within Reservations, etc.**—Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: Provided, That such persons comply with the rules and regulations covering such forest reservations.

**Restoration of Mineral or Agricultural Lands to the Public Domain.**—Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral

lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

### **MINERAL LANDS WITHIN NATIONAL FORESTS.**

**114. Mineral Lands in Forest Reserves Subject to Location.**—The act of June 4, 1897, provides that "any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry," notwithstanding the reservation. This makes mineral lands in the forest reserves subject to location and entry under the general mining laws in the usual manner.

*Use of Timber and Stone.*—The act also provides that "The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by *bona fide* settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located."

### **TRANSFER OF NATIONAL FORESTS.**

(Act of February 1, 1905. 33 Stat. 628.)

*Scope of Duty of Secretary of Agriculture, How Limited.*—The Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the act entitled "An act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

### **SURVEYS OF MINING CLAIMS.**

#### **GENERAL PROVISIONS.**

**115. Appointment of Surveyors.**—Under section 2334, Revised Statutes, the United States surveyor general "may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims."

**116. Application for Appointment.**—Persons desiring such appointment should therefore file their applications with the surveyor general for the district wherein appointment is asked, who will furnish all information necessary.

**117. Approval.**—All appointments of mineral surveyors must be submitted to the Commissioner of the General Land Office for approval.

**118. Suspension and Revocation.**—The surveyors general have authority to suspend or revoke the commissions of mineral surveyors for cause. Before final action, however, the matter should be submitted to the Commissioner of the General Land Office for approval.

**119. Appeal.**—Such surveyors will be allowed the right of appeal from the action of the surveyor general in the usual manner. Such appeal should be filed with the surveyor general, who will at once transmit the same, with a full report, to the General Land Office.

**120. Disputed Charges for Field Work.**—Neither the surveyor general nor the Commissioner of the General Land Office has jurisdiction to settle differences, relative to the payment of charges for field work, between mineral surveyors and claimants. These are matters of private contract and must be enforced in the ordinary manner, i. e., in the local courts. The Department has, however, authority to investigate charges affecting the official actions of mineral surveyors, and will, on sufficient cause shown, suspend or revoke their appointment.

**121. Number of Appointments Unlimited.**—The surveyors general should appoint as many competent mineral surveyors as apply for appointment, in order that claimants may have a choice of surveyors, and be enabled to have their work done on the most advantageous terms.

**122. Schedule of Charges for Office Work.**—The schedule of charges for office work should be as low as is possible. No additional charges should be made for orders for amended surveys, unless the necessity therefor is clearly the fault of the claimant, or considerable additional office work results therefrom.

**123.** [Omitted.]

**124. Instructions to Mineral Surveyors.**—Mineral surveyors will address all official communications to the surveyor general. They will, when a mining claim is the subject of correspondence, give the name and survey number. In replying to letters they will give the subject matter and date of the letter. They will promptly notify the surveyor general of any change in postoffice address.

**125. Records of Surveys—Field-notes and Reports.**—Mineral surveyors should keep a complete record of each survey made by them and the facts coming to their knowledge at the time, as well as copies of all their field-notes, reports, and official correspondence, in order that such evidence may be readily produced when called for at any future time. Field-notes and other reports must be written in a clear and legible hand or typewritten, in noncopying ink, and upon the proper blanks furnished gratuitously by the surveyor general's office upon application therefor. No interlineations or erasures will be allowed.

**126. Return by Surveyor must be Signed.**—No return by a mineral surveyor will be recognized as official unless it is over his signature as a United States mineral surveyor, and made in pursuance of a special

order from the surveyor general's office. After he has received an order for survey he is required to make the survey and return correct field-notes thereof to the surveyor general's office without delay.

**127. United States not Responsible for Cost of Survey.**—The claimant is required, in all cases, to make satisfactory arrangements with the surveyor for the payment for his services and those of his assistants in making the survey, as the United States will not be held responsible for the same.

**128. Duties of Mineral Surveyors.**—A mineral surveyor is precluded from acting, either directly or indirectly, as attorney in mineral claims. His duty in any particular case ceases when he has executed the survey and returned the field-notes and preliminary plat, with his report, to the surveyor general. He will not be allowed to prepare for the mining claimant the papers in support of his application for patent, or otherwise perform the duties of an attorney before the land office in connection with a mining claim. He is not permitted to combine the duties of surveyor and notary public in the same case by administering oaths to the parties in interest. It is preferable that both preliminary and final oaths of assistants should be taken before some officer duly authorized to administer oaths, other than the mineral surveyor. In cases, however, where great delay, expense, or inconvenience would result from a strict compliance with this rule, the mineral surveyor is authorized to administer the necessary oaths to his assistants, but in each case where this is done, he will submit to the proper surveyor general a full written report of the circumstances which required his stated action, otherwise he must have absolutely nothing to do with the case, except in his official capacity as surveyor. He will not employ chainmen interested therein in any manner.

### METHOD OF SURVEY.

**129. Survey, How Made.**—The survey made and returned must, in every case, be an actual survey on the ground in full detail, made by the mineral surveyor in person after the receipt of the order, and without reference to any knowledge he may have previously acquired by reason of having made the location survey or otherwise, and must show the actual facts existing at the time. This precludes him from calculating the connections to corners of the public survey and location monuments, or any other lines of his survey through prior surveys made by others and substituting the same for connections or lines of the survey returned by him. The term "survey" in this paragraph applies not only to the usual field work, but also to the examinations required for the preparation of affidavits of five hundred dollars expenditure, descriptive reports on placer claims, and all other reports.

**130. Contiguous Locations.**—The survey of a mining claim may consist of several contiguous locations, but such survey must, in conformity with statutory requirements, distinguish the several locations, and exhibit the boundaries of each. The survey will be given but one number.

rocks chiseled B. R., together with the number of the location monument; the exact point on the tree or stone to which the connection is taken should be indicated by a cross or other unmistakable mark. Bearings should also be taken to prominent mountain peaks, and the approximate distance and direction ascertained from the nearest town or mining camp. A detailed description of the locating monument, with a topographical map of its location, should be furnished the office of the surveyor general by the surveyor.

**143. Corners, How Constructed.**—Corners may consist of—

*First.*—A stone at least twenty-four inches long set twelve inches in the ground, with a conical mound of stone one and one-half feet high, two feet base, alongside.

*Second.*—A post at least three feet long by four inches square, set eighteen inches in the ground and surrounded by a substantial mound of stone or earth.

*Third.*—A rock in place.

A stone should always be used for a corner when possible, and when so used the kind should be stated.

**144. How Marked.**—All corners must be established in a permanent and workmanlike manner, and the corner and survey number must be neatly chiseled or scribed on the sides facing the claim. The *exact* corner point must be permanently indicated on the corner. When a rock in place is used, its dimensions above ground must be stated and a cross chiseled at the exact corner point.

**145. Witness Corners.**—In case the point for the corner be inaccessible or unsuitable a witness corner, which must be marked with the letters W. C. in addition to the corner and survey number, should be established. The witness corner should be located upon a line of the survey and as near as possible to the true corner, with which it must be connected by course and distance. The reason why it is impossible or impracticable to establish the true corner must always be stated in the field-notes and in running the next course it should be stated whether the start is made from the true place for corner or from witness corner.

**146. Bearings.**—The identity of all corners should be perpetuated by taking courses and distances to bearing trees, rocks, and other objects, as prescribed in the establishment of location monuments, and when no bearings are given it should be stated that no bearings are available. Permanent objects should be selected for bearings whenever possible.

**147. Connections With Other Surveys.**—If an official mineral survey has been made in the vicinity, within a reasonable distance, a further connecting line should be run to some corner thereof; and in like manner all conflicting surveys and locations should be so connected, and the corner with which connection is made in each case described. Such connections will be made and conflicts shown according to the boundaries of the neighboring or conflicting claims as each is marked, defined, and actually established upon the ground. The mineral surveyor will



fully and specifically state in his return *how* and by what *visible evidences* he was able to identify on the ground the several conflicting surveys and those which appear according to their returned tie or boundary lines to conflict, if they were so identified, and report errors or discrepancies found by him in any such surveys. In the survey of contiguous claims which constitute a consolidated group, where corners are common, bearings should be mentioned but once.

**148. Topographical Features and Improvements.**—The mineral surveyor should note carefully all topographical features of the claim, taking distances on his lines to intersections with all streams, gulches, ditches, ravines, mountain ridges, roads, trails, etc., with their widths, courses, and other data that may be required to map them correctly. All municipal or private improvements such as blocks, streets, and buildings, should be located.

**149. Lines of Conflicting Surveys.**—If, in running the exterior lines of a claim, the survey is found to conflict with the survey of another claim, the distances to the points of intersection, and the courses and distances along the line intersected from an established corner of such conflicting claim to such points of intersection, should be described in the field-notes: *Provided*, that where a corner of the conflicting survey falls within the claim being surveyed, such corner should be selected from which to give the bearing, otherwise the corner nearest the intersection should be taken. The same rule should govern in the survey of claims embracing two or more locations the lines of which intersect.

**150. Lode Sites and Mill Sites, How Distinguished.**—A lode and mill site claim in one survey will be distinguished by the letters A and B following the number of the survey. The corners of the mill site will be numbered independently of those of the lode. Corner No. 1 of the mill site must be connected with a corner of the lode claim as well as with a corner of the public survey or United States location monument.

**151. Each Location to be Given Separate Corner No. 1.**—When a placer claim includes lodes, or when several contiguous placer or lode locations are included as one claim in one survey, there must be given to the corners of each location constituting the same a separate consecutive numerical designation, beginning with corner No. 1 in each case.

**152. Description of Survey.**—Throughout the description of the survey, after each reference to the lines or corners of a location, the name thereof must be given, and if unsurveyed, the fact stated. If reference is made to a location included in a prior official survey, the survey number must be given, followed by the name of the location. Corners should be described once only.

**153. Area, How Stated.**—The total area of each location and also the area in conflict with each intersecting survey or claim should be stated. But when locations embraced in one survey conflict with each other such conflicts should only be stated in connection with the location from which the conflicting area is excluded.

**154. Section Lines.**—It should be stated particularly whether the claim is upon surveyed or unsurveyed public lands, giving in the former case the quarter section, township, and range in which it is located, and the section lines should be indicated by full lines and the quarter section lines by dotted lines.

**155. Title-page of Field-notes.**—The title-page of the field-notes must contain the postoffice address of the claimant or his authorized agent.

**156. Estimate of Value of Improvements.**—In the mineral surveyor's report of the value of the improvements all *actual* expenditures and *mining* improvements made by the claimant or his grantors, having a direct relation to the development of the claim, must be included in the estimate.

**157. What Included in Estimate and What Excluded.**—The expenditures required may be made from the surface or in running a tunnel, drifts, or crosscuts for the development of the claim. Improvements of any other character, such as buildings, machinery, or roadways, must be excluded from the estimate, unless it is shown clearly that they are associated with actual excavations, such as cuts, tunnels, shafts, etc., are essential to the practical development of and actually facilitate the extraction of mineral from the claim.

**158. Improvements to be Located and Numbered.**—All mining and other improvements claimed will be located by courses and distances from corners of the survey, or from points on the center or side lines, specifying with particularity and detail the dimensions and character of each, and the improvements upon each location should be numbered consecutively, the point of discovery being always No. 1. Improvements made by a former locator who has abandoned his claim cannot be included in the estimate, but should be described and located in the notes and plat.

**159. Expenditure on Lode Claim Where Mill Site Included in Survey.**—In case of a lode and mill site claim in the same survey the expenditure of five hundred dollars must be shown upon the lode claim.

**160. Supplemental Proof of Expenditure.**—If the value of the labor and improvements upon a mineral claim is less than five hundred dollars at the time of survey, the mineral surveyor may file with the surveyor general supplemental proof showing five hundred dollars expenditure made prior to the expiration of the period of publication.

**161. Preliminary Plat.**—The mineral surveyor will return with his field-notes a preliminary plat on blank sent to him for that purpose, protracted on a scale of two hundred feet to an inch, if practicable. In preparing plats the top is north. Copy of the calculations of areas by double meridian distances and of all triangulations or traverse lines must be furnished. The lines of the claim surveyed should be heavier than the lines of conflicting claims.

**162. Erroneous Surveys—Joint Survey.**—Whenever a survey has been reported in error the surveyor who made it will be required to promptly make a thorough examination upon the premises and report the result, under oath, to the surveyor general's office. In case he finds his survey in error he will report in detail all discrepancies with the original survey and submit any explanation he may have to offer as to the cause. If, on the contrary, he should report his survey correct, a joint survey will be ordered to settle the differences with the surveyor who reported the error. A joint survey must be made within ten days after the date of order unless satisfactory reasons are submitted, under oath, for a postponement. The field work must in every sense of the term be a *joint* and not a separate survey, and the observations and measurements taken with the same instrument and chain, previously tested and agreed upon.

**163. Field-notes on Joint Survey, by Whom Made.**—The mineral surveyor found in error, or, if both are in error, the one who reported the same, will make out the field-notes of the joint survey, which, after being duly signed and sworn to by both parties, must be transmitted to the surveyor general's office.

**164. Amended Surveys Ordered on Special Instructions.**—Inasmuch as amended surveys are ordered only by special instructions from the General Land Office, and the conditions and circumstances peculiar to each separate case and the object sought by the required amendment, alone govern all special matters relative to the manner of making such survey and the form and subject matter to be embraced in the field-notes thereof, but few general rules applicable to all cases can be laid down.

**165. Amended Survey—How Made.**—The amended survey must be made in strict conformity with, or be embraced within, the lines of the original survey. If the amended and original surveys are identical, that fact must be clearly and distinctly stated in the field-notes. If not identical, a bearing and distance must be given from each established corner of the amended survey to the corresponding corner of the original survey. The lines of the original survey, as found upon the ground, must be laid down upon the preliminary plat in such manner as to contrast and show their relation to the lines of the amended survey.

**166. Amended Survey—Field-notes, How Prepared.**—The field-notes of the amended survey must be prepared on the same size and form of blanks as are the field-notes of the original survey, and the word "amended" must be used before the word "survey" wherever it occurs in the field-notes.

**167. Descriptive Report on Placer Claims.**—Mineral surveyors are required to make full examinations of all placer claims at the time of survey and file with the field-notes a descriptive report, in which will be described—

(a) The quality and composition of the soil, and the kind and amount of timber and other vegetation.

(b) The *locus* and size of streams, and such other matter as may appear upon the surface of the claims.

(c) The character and extent of all surface and underground workings, whether placer or lode, for mining purposes, locating and describing them.

(d) The proximity of centers of trade or residence.

(e) The proximity of well-known systems of lode deposits or of individual lodes.

(f) The use or adaptability of the claim for placer mining, and whether water has been brought upon it in sufficient quantity to mine the same, or whether it can be procured for that purpose.

(g) What works or expenditures have been made by the claimant or his grantors for the development of the claim, and their situation and location with respect to the same as applied for.

(h) The true situation of all mines, salt licks, salt springs, and mill sites which come to the surveyor's knowledge, or a report by him that none exist on the claim, as the facts may warrant.

(i) Said report must be made under oath and duly corroborated by one or more disinterested persons.

**168. Parties not to Assist in Making Surveys.**—The employing of claimants, their attorneys, or parties in interest, as assistants in making surveys of mineral claims will not be allowed.

**169. General Accountability of Surveyor.**—The field-work must be accurately and properly performed and returns made in conformity with the foregoing instructions. Errors in the survey must be corrected at the surveyor's own expense, and if the time required in the examination of the returns is increased by reason of neglect or carelessness, he will be required to make an additional deposit for office work. He will be held to a strict accountability for the faithful discharge of his duties, and will be required to observe fully the requirements and regulations in force as to making mineral surveys. If found incompetent as a surveyor, careless in the discharge of his duties, or guilty of a violation of said regulations, his appointment will be promptly revoked.

S. V. PROUDFIT,  
Acting Commissioner.

Approved March 29, 1909.

R. A. BALLINGER,  
Secretary.

**CALIFORNIA MINING LAWS.**

[Section numbers refer to Civil Code.]

**MINING CORPORATIONS.**

§ 586. **Transfer Agencies.**—Any corporation organized in this State for the purpose of mining or carrying on mining operations in or without this State, may establish and maintain agencies in other States of the United States, for the transfer and issuing of their stock; and a transfer or issue of the same at any such transfer agency, in accordance with the provisions of its by-laws, is valid and binding as fully and effectually for all purposes as if made upon the books of such corporation at its principal office within this State. The agencies must be governed by the by-laws and the directors of the corporation.

§ 587. **Stock Issued at Transfer Agencies.**—All stock of any such corporation, issued at a transfer agency, must be signed by the president and secretary of the corporation, and countersigned at the time of its issue by the agent having charge of the transfer agency. No stock must be issued at a transfer agency unless the certificate of stock, in lieu of which the same is issued, is at the time surrendered for cancellation.

§ 587a. **Consolidation of Mining Corporations.**—It is lawful for two or more corporations formed, or that may hereafter be formed, under the laws of this State, for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicinity, to consolidate their capital stock, debts, property, assets, and franchises, in such manner and upon such terms as may be agreed upon by the respective boards of directors or trustees of such corporations so desiring to consolidate their interests; but no such consolidation must take place without the written consent of the stockholders representing two-thirds of the capital stock of each corporation, and no such consolidation can, in any way, relieve such corporations, or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same must be given, by advertising, for one month, in at least one newspaper in the county where the said mining property is situated, if there is one published therein, and also in one newspaper published in the county where the principal place of business of any of said corporation[s] is. And when the consolidation is completed, a certificate thereof, containing the manner and terms of such consolidation, must be filed in the office of the county clerk of the county in which the original certificate of incorporation of each of said corporations is filed, and a copy thereof must be filed in the office of the secretary of state; such certificate must be signed by a majority of each board of trustees or directors of the original corporations, and it is their duty to call, within thirty days after the filing of such certificate, a meeting of the stockholders of all of said corporations so consolidated, to elect a board of trustees or directors for the consoli-

dated corporation, for the year thence next ensuing; and to cause notice of the time and place fixed for such meeting to be mailed to each stockholder of each of such corporations at his last known place of residence or business at least ten days before the time fixed for such meeting. The said certificate must also contain all the requirements prescribed by section two hundred and ninety.

§ 588. **Books and Balance-sheets to be Kept by Secretary—Stockholders' Right to Inspect.**—It is the duty of the secretary of every corporation formed for the purpose of mining, or conducting mining in California, whether such corporation be formed and organized under the laws of the State of California or any other State, territory, or foreign country, to keep at some place within the State of California an office and in such office to keep a complete set of books showing all receipts and expenditures of such corporation, the sources of such receipts, and the objects of such expenditures, and also all transfers of stock. All books and papers must, at all times during business hours, be open to the inspection of any stockholder. He is entitled to be accompanied by an expert, and to make copies of extracts from any such books or papers. He may, at reasonable hours, examine such mining property, accompanied by an expert, take samples, and make such other examination as he may deem necessary. It is the duty of the directors, on the second Monday of each and every month, to cause to be made an itemized account or balance-sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were derived, and to whom and for what object or purpose such disbursements or payments were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance-sheet must be verified under oath by the president and secretary, and posted in some conspicuous place in the office of the company. It is the duty of the superintendent, on the first Monday of each month, to file with the secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. Such account must also contain a verified statement showing the number of men employed under him, and for what purpose, and the rate of wages paid to each. He must attach to such account a full and complete report, under oath, of the work done in said mine, the amount of ore extracted, from what part of mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the superintendent. It is his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking, or otherwise, together with the assay value thereof. All accounts, reports, and correspondence from the superintendent must be kept in some conspicuous place in the office of said company, open to the inspection of all stockholders.

§ 589. **Right of Stockholders to Visit Mine With Expert.**—Any stockholder of a corporation formed under the laws of this State for the purpose of mining, is entitled to visit, accompanied by his expert, and examine the mine or mines owned by such corporation, and every part thereof, at any time he may see fit; and when such stockholder applies to the president of such corporation, he must immediately cause the secretary thereof to issue and deliver to such applicant an order, under the seal of the corporation, directed to the superintendent, commanding him to show and exhibit such parts of said mine or mines as the party named in said order may desire to visit and examine. It is the duty of the superintendent, on receiving such order, to furnish such stockholder every facility for making a full and complete inspection of said mine or mines, and of the workings therein, and to accompany said stockholder either in person, or to furnish some person familiar with said mine or mines to accompany him in his visit to and through such mine or mines, and every part thereof. If the superintendent fails to obey such order, such stockholder is entitled to recover, in any court of competent jurisdiction, against the corporation, the sum of one thousand dollars, and traveling expenses to and from the mine, as liquidated damages, together with costs of suit. In case of such refusal, it is the duty of the directors of the corporation forthwith to remove the officer so refusing, and thereafter he must not be employed directly or indirectly by the corporation, nor must any salary be paid to him.

§ 590. **Liability of Presidents and Directors.**—In case of the refusal or neglect of the president to cause to be issued by the secretary the order mentioned in section 589, such stockholder is entitled to recover against said president the sum of one thousand dollars and costs, as provided in the last section. If the directors fail to have the report and accounts current made and posted as provided in section 588, they are liable, either severally or jointly, to an action by any stockholder complaining thereof, and on proof of such refusal or failure, he may recover judgment for actual damages sustained by him, with costs of suit. Each of such defaulting directors is also liable to removal for such neglect.

### HYDRAULIC MINING.

§ 1424. **Where Hydraulic Mining can be Carried on.**—The business of hydraulic mining may be carried on within the State of California wherever and whenever the same can be carried on without material injury to the navigable streams, or the lands adjacent thereto.

§ 1425. **Meaning of Hydraulic Mining.**—Hydraulic mining, within the meaning of this title, is mining by means of the application of water, under pressure, through a nozzle, against a natural bank.

### MINING CLAIMS, TUNNEL RIGHTS, AND MILL SITES.

§ 1426. **Lode Claims, How Located.**—Any person, a citizen of the United States, or who has declared his intention to become such, who

discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposit, may locate a claim upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at the point of discovery, which notice must contain:

First. The name of the lode or claim.

Second. The name of the locator or locators.

Third. The number of linear feet claimed in length along the course of the vein, each way from the point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

Fourth. The date of location.

Fifth. Such a description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

§ 1426a. **Boundaries.**—The locator must define the boundaries of his claim so that they may be readily traced, and in no case shall the claim extend more than fifteen hundred feet along the course of the vein or lode, nor more than three hundred feet on either side thereof, measured from the center line of the vein at the surface.

§ 1426b. **Record of Location.**—Within thirty days after the posting of his notice of location upon a lode mining claim, the locator shall record a true copy thereof in the office of the county recorder of the county in which such claim is situated, for which service the county recorder shall receive a fee of one dollar.

§ 1426c. **Placer Claim, Location of.**—The location of a placer claim shall be made in the following manner: By posting thereon, upon a tree, rock in place, stone, post or monument, a notice of location, containing the name of the claim, name of locator or locators, date of location, number of feet or acreage claimed, such a description of the claim by reference to some natural object or permanent monument as will identify the claim located, and by marking the boundaries so that they may be readily traced; provided, that where the United States survey has been extended over the land embraced in the location, the claim may be taken by legal subdivisions and no other reference than those of said survey shall be required and the boundaries of a claim so located and described need not be staked or monumented. The description by legal subdivisions shall be deemed the equivalent of marking.

§ 1426d. **Record of Location.**—Within thirty days after the posting of the notice of location of a placer claim, the locator shall record a true copy thereof in the office of the county recorder of the county in which such claim is situated, for which service the recorder shall receive a fee of one dollar.

§ 1426e. **Tunnel Right, Location of.**—The locator of a tunnel right or location, shall locate his tunnel right or location by posting a notice of location at the face or point of commencement of the tunnel, which must contain:



First. The name of the locator or locators.

Second. The date of the location.

Third. The proposed course or direction of the tunnel.

Fourth. A description of the tunnel, with reference to some natural object or permanent monument as shall identify the claim or tunnel right.

§ 1426f. **Boundaries.**—The boundary lines of the tunnel shall be established by stakes or monuments placed along the lines at an interval of not more than six hundred feet from the face or point of commencement of the tunnel to the terminus of three thousand feet therefrom.

§ 1426g. **Record of Location.**—Within thirty days after the posting the notice of location of the tunnel right or location, the locator shall record a true copy thereof, in the office of the county recorder of the county in which such claim is situated, for which service the recorder shall receive a fee of one dollar.

§ 1426h. **Amended Notice.**—If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original location notice was defective, erroneous, or that the requirements of the law had not been complied with before filing; or in case the original notice was made prior to the passage of this act, and he shall be desirous of securing the benefit of this act, such locator, or his assigns, may file an additional notice, subject to the provisions of this act; provided, that such amended location notice does not interfere with the existing rights of others at the time of posting and filing such amended location notice, and no such amended location notice or the record thereof, shall preclude the claimant, or claimants from proving any such title as he or they may have held under previous locations.

§ 1426i. **Surveyed Claims.**—Where a locator, or his assigns, has the boundaries and corners of his claim established by a United States deputy mineral survey, or a licensed surveyor of this State, and his claim connected with the corner of the public or minor surveys of an established initial point, and incorporates into the record of the claim, the field-notes of such survey, and attaches to and files with such location notice, a certificate of the surveyor, setting forth: first, that said survey was actually made by him, giving the date thereof; second, the name of the claim surveyed and the location thereof; third, that the description incorporated in the declaratory statement is sufficient to identify; such survey and certificate becomes a part of the record, and such record is *prima facie* evidence of the facts therein contained.

§ 1426j. **Mill Site, Location of.**—The proprietor of a vein or lode claim or mine, or the owner of a quartz-mill or reduction works, or any person qualified by the laws of the United States, may locate not more than five acres of nonmineral land as a mill site. Such location shall be made in the same manner as hereinbefore required for locating placer claims.

§ 1426k. **Record of Location.**—The locator of a mill site claim or location shall, within thirty days from the date of his location, record a true copy of his location notice with the county recorder of the county in which such location is situated, for which service the recorder shall receive a fee of one dollar.

§ 1426l. **Yearly Work Required.**—The amount of work done or improvements made during each year to hold possession of a mining claim shall be that prescribed by the laws of the United States, to wit: One hundred dollars annually.

§ 1426m. **Record of Work.**—Whenever mine owner, company, or corporation shall have performed the labor and made the improvements required by law upon any mining claim, the person in whose behalf such labor was performed or improvements made, or some one in his behalf, shall within thirty days after the time limited for performing such labor or making such improvements make and have recorded by the county recorder, in books kept for that purpose, in the county in which such mining claim is situated, an affidavit setting forth the value of labor or improvements made, the name of the claim, and the name of the owner or claimant of said claim at whose expense the same was made or performed. Such affidavit, or a copy thereof, duly certified by the county recorder, shall be *prima facie* evidence of the performance of such labor or the making of such improvements, or both.

§ 1426n. **Recorder's Fee.**—For recording the affidavit herein required, the county recorder shall receive a fee of fifty cents.

§ 1426o. **Delinquent Co-owners, Notice to—Payment by Delinquents.**—Whenever a co-owner or co-owners of a mining claim shall give to a delinquent co-owner or co-owners the notice in writing or notice by publication provided for in section 2324, Revised Statutes of the United States, an affidavit of the person giving such notice, stating the time, place, manner of service, and by whom and upon whom such service was made, shall be attached to a true copy of such notice, and such notice and affidavit must be recorded in the office of the county recorder, in books kept for that purpose, in the county in which the claim is situated, within ninety days, after the giving of such notice; for the recording of which said recorder shall receive the same fees as are now allowed by law for recording deeds; or if such notice is given by publication in a newspaper, there shall be attached to a printed copy of such notice an affidavit of the printer or his foreman, or principal clerk of such paper, stating the date of the first, last and each insertion of such notice therein, and where the newspaper was published during that time, and the name of such newspaper. Such affidavit and notice shall be recorded as aforesaid, within one hundred and eighty days after the first publication thereof. The original of such notice and affidavit, or a duly certified copy of the record thereof, shall be *prima facie* evidence that the delinquent mentioned in section 2324 has failed or refused to contribute his proportion

of the expenditure required by that section, and of the service of publication of said notice; provided, the writing or affidavit hereinafter provided for is not of record. If such delinquent shall, within the ninety days required by section 2324, aforesaid, contribute to his co-owner or co-owners, his proportion of such expenditures, and also all costs of service of the notice required by this section, whether incurred for publication charges, or otherwise, such co-owner or co-owners shall sign and deliver to the delinquent or delinquents a writing, stating that the delinquent or delinquents by name has within the time required by section 2324 aforesaid, contributed his share for the year . . . ., upon the . . . . mine, and further stating therein the district, county and State wherein the same is situated, and the book and page where the location notice is recorded, if said mine was located under the provisions of this act; such writing shall be recorded in the office of the county recorder of said county, for which he shall receive the same fees as are now allowed by law for recording deeds. If such co-owner or co-owners shall fail to sign and deliver such writing to the delinquent or delinquents within twenty days after such contribution, the co-owner or co-owners so failing as aforesaid shall be liable to the penalty of one hundred dollars to be recovered by any person for the use of the delinquent or delinquents in any court of competent jurisdiction. If such co-owner or co-owners fail to deliver such writing within said twenty days, the delinquent, with two disinterested persons having personal knowledge of such contribution, may make affidavit setting forth in what manner, the amount of, to whom, and upon what mine, such contribution was made. Such affidavit, or a record thereof, in the office of the county recorder, of the county in which such mine is situated, shall be *prima facie* evidence of such contribution.

§ 1426p. **Records to be Received in Evidence.**—The record of any location of a mining claim, mill site or tunnel right, in the office of the county recorder, as herein provided shall be received in evidence, and have the same force and effect in the courts of the state as the original notice.

§ 1426q. **Copies of Records as Evidence.**—Copies of the records of all instruments required to be recorded by the provisions of this act, duly certified by the recorder, in whose custody such records are, may be read in evidence, under the same circumstances and rules as are now, or may be hereafter provided by law, for using copies of instruments relating to real estate, duly executed or acknowledged or proved and recorded.

§ 1426r. **Effect on Mining Districts.**—The provisions of this act shall not in any manner be construed as affecting or abolishing any mining district or the rules and regulations thereof within the State of California.

§ 1426s. **Neglect to Perform Development Work.**—The failure or neglect of any locator of a mining claim to perform development work of the character, in the manner and within the time required by the

laws of the United States, shall disqualify such locators from relocating the ground embraced in the original location or mining claim or any part thereof under the mining laws, within three years after the date of his original location and any attempted relocation thereof by any of the original locators shall render such location void.

### **MINING PARTNERSHIPS.**

§ 2511. **When a Mining Partnership Exists.**—A mining partnership exists when two or more persons who own or acquire a mining claim for the purpose of working it and extracting the mineral therefrom actually engage in working the same.

§ 2512. **Express Agreement not Necessary to Constitute.**—An express agreement to become partners or to share the profits and losses of mining is not necessary to the formation or existence of a mining partnership. The relation arises from the ownership of shares or interests in the mine and working the same for the purpose of extracting the minerals therefrom.

§ 2513. **Profits and Losses, How Shared.**—A member of a mining partnership shares in the profits and losses thereof in the proportion which the interest or share he owns in the mine bears to the whole partnership capital or whole number of shares.

§ 2514. **Lien of Partners.**—Each member of a mining partnership has a lien on the partnership property for the debts due the creditors thereof, and for money advanced by him for its use. This lien exists notwithstanding there is an agreement among the partners that it must not.

§ 2515. **Mine—Partnership Property.**—The mining ground owned and worked by partners in mining, whether purchased with partnership funds or not, is partnership property.

§ 2516. **Partnership not Dissolved by Sale of Interest.**—One of the partners in a mining partnership may convey his interest in the mine and business without dissolving the partnership. The purchaser, from the date of his purchase, becomes a member of the partnership.

§ 2517. **Purchaser Takes, Subject to Liens, Unless, etc.**—A purchaser of an interest in the mining ground of a mining partnership takes it subject to the liens existing in favor of the partners for debts due all creditors thereof, or advances made for the benefit of the partnership, unless he purchased in good faith, for a valuable consideration, without notice of such lien.

§ 2518. **Takes With Notice of Lien, When.**—A purchaser of the interest of a partner in a mine when the partnership is engaged in working it, takes with notice of all liens resulting from the relation of the partners to each other and to the creditors of the partnership.

§ 2519. **Contract in Writing, When Binding.**—No member of a mining partnership or other agent or manager thereof can, by a contract in writing, bind the partnership, except by express authority derived from the members thereof.

§ 2520. **Owners of Majority of Shares Govern.**—The decision of the members owning a majority of the shares or interests in a mining partnership binds it in the conduct of its business.

### **MINERAL LANDS IN SCHOOL SECTIONS.**

(Stats. 1897, p. 438.)

§ 2. **Character of Land Referred to Court.**—When it shall be shown by affidavits or otherwise, to the satisfaction of the surveyor general, that any portion of a sixteenth or thirty-sixth section belonging to the State is valuable for its mineral deposits, the surveyor general shall not approve any application to purchase the same, nor shall the register of the State land office issue a certificate of purchase therefor, until the question of the character of the land has been referred for determination to a court of competent jurisdiction, in the manner provided by section 3414 of the Political Code, and adjudged not to be valuable as mining land.

§ 3. **Sixteenth and Thirty-sixth Sections Open to Exploration.**—The sixteenth and thirty-sixth sections belonging to the State, in which there may be found valuable mineral deposits are hereby declared to be free and open to exploration, occupation, and purchase of the United States, under the laws, rules, and regulations passed and prescribed by the United States for the sale of mineral lands.

§ 4. **Effect.**—This act shall take effect from and after its passage.

### **COVERING OR FENCING OF ABANDONED MINES.**

(Approved March 20, 1903. Stats. 1903, p. 283.)

§ 1. **Abandoned Mines.**—All abandoned mining shafts, pits or other abandoned excavations dangerous to passers-by or livestock shall be securely covered or fenced, and kept so, by the owners of the land or persons in charge of the same, on which such shafts, pits or other excavations are located. Any person or persons failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

§ 2. **Mines on Unoccupied Public Lands.**—All abandoned mining shafts, pits or other excavations situated on unoccupied public lands may be securely covered or fenced by order of the board of supervisors of the county wherein the same is situated, and it shall be the duty of the board of supervisors to keep the same securely fenced or covered whenever it appears to them, by proof submitted, that the same is dangerous or unsafe to man or beast. The cost of said covering or fencing to be a county charge.

§ 3. **Penalties.**—Any person or persons maliciously removing or destroying any covering or fencing placed around or over any shaft, pit or other excavation, as hereinbefore provided, shall be deemed guilty of a misdemeanor.

§ 4. This act shall take effect six months from the day of passage.

**PROTECTION OF MINERS.**

(Approved March 16, 1872. Stats. 1871-72, p. 413.)

§ 1. **Protection to Miners.**—It shall not be lawful for any corporation, association, owner, or owners of any quartz mining claims within the State of California, where such corporation, association, owner or owners employ twelve men daily, to sink down into such mine or mines any perpendicular shaft or incline beyond a depth from the surface of three hundred feet without providing a second mode of egress from such mine, by shaft or tunnel, to connect with the main shaft at a depth of not less than one hundred feet from the surface.

§ 2. **Modes of Escape.**—It shall be the duty of each corporation, association, owner, or owners of any quartz mine or mines in this state, where it becomes necessary to work such mines beyond the depth of three hundred feet, and where the number of men employed therein daily shall be twelve or more, to proceed to sink another shaft or construct a tunnel so as to connect with the main working shaft of such mine as a mode of escape from underground accident, or otherwise. And all corporations, associations, owner, or owners of mines as aforesaid, working at a greater depth than three hundred feet, not having any other mode of egress than from the main shaft, shall proceed as herein provided.

§ 3. **Liabilities.**—When any corporation, association, owner, or owners of any quartz mine in this state shall fail to provide for the proper egress as herein contemplated, and therein shall be hurt or injured, and from such injury might have escaped if the second mode of egress had existed, such corporation, association, owner or owners of the mine where the injuries shall have occurred shall be liable to the person injured in all damages that may accrue by reason thereof; and an action at law in a court of competent jurisdiction may be maintained against the owner or owners of such mine, which owners shall be jointly or severally liable for such damages. And where death shall ensue from injuries received from any negligence on the part of the owners thereof, by reason of their failure to comply with any of the provisions of this act, the heirs or relatives surviving the deceased may commence an action for the recovery of such damages as provided by an act entitled an act requiring compensation for causing death by wrongful act, neglect, or default, approved April 26, 1862.

§ 4. **Effect.**—This act shall take effect and be in force six months from and after its passage.

**PROTECTION OF COAL MINES AND COAL MINERS.**

(Approved March 27, 1874. Stats. 1873-74, p. 726.)

§ 1. **Map.**—The owner or agent of every coal mine shall make or cause to be made an accurate map or plan of the workings of such coal mine, on a scale of one hundred feet to the inch.

§ 2. **Copies.**—A true copy of which map or plan shall be kept at the office of the owner or owners of the mine, open to the inspection of all persons, and one copy of such map or plan shall be kept at the mines by the agent or other person having charge of the mines, open to the inspection of the workmen.

§ 3. **Shafts or Outlets.**—The owner or agent of every coal mine shall provide at least two shafts, or slopes, or outlets, separated by natural strata of not less than one hundred and fifty feet in breadth, by which shafts, slopes, or outlets distinct means of ingress and egress are always available to the persons employed in the coal mine; provided, that if a new tunnel, slope, or shaft will be required for the additional opening, work upon the same shall commence immediately after the passage of this act, and continue until its final completion, with reasonable dispatch.

§ 4. **Ventilation.**—The owner or agent of every coal mine shall provide and establish for every such mine an adequate amount of ventilation, of not less than fifty-five cubic feet per second of pure air, or thirty-three hundred feet per minute, for every fifty men working in such mine, and as much more as circumstances may require, which shall be circulated through to the face of each and every working place throughout the entire mine, to dilute and render harmless and expel therefrom the noxious, poisonous gases, to such an extent that the entire mine shall be in a fit state for men to work therein, and be free from danger to the health and lives of the men by reason of said noxious and poisonous gases, and all workings shall be kept clear of standing gas.

§ 5. **Inside Overseer—Duties.**—To secure the ventilation of every coal mine, and provided for the health and safety of the men employed therein, otherwise and in every respect, the owner, or agent, as the case may be, in charge of every coal mine, shall employ a competent and practical inside overseer, who shall keep a careful watch over the ventilating apparatus, over the air-ways, the traveling-ways, the pumps and sumps, the timbering, to see as the miners advance in their excavations that all loose coal, slate or rock overhead is carefully secured against falling; over the arrangements for signaling from the bottom to the top, and from the top to the bottom of the shaft or slope, and all things connected with and appertaining to the safety of the men at work in the mine. He, or his assistants, shall examine carefully the workings of all mines generating explosive gases, every morning before the miners enter, and shall ascertain that the mine is free from danger, and the workmen shall not enter the mine until such examination has been made and reported, and the cause of danger, if any, be removed.

§ 6. **Hoisting Machinery.**—The overseer shall see that hoisting machinery is kept constantly in repair and ready for use, to hoist the workmen in or out of the mine.

§ 7. **Owner.**—The word "owner" in this act shall apply to lessee as well.

§ 8. **Right of Action.**—For any injury to person or property occasioned by any violation of this act, or any willful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby, before any court of competent jurisdiction.

§ 9. **Liability.**—For any willful failure or negligence on the part of the overseer of any coal mine, he shall be liable to conviction of misdemeanor, and punished according to law; provided, that if such willful failure or negligence is the cause of the death of any person, the overseer, upon conviction, shall be deemed guilty of manslaughter.

§ 10. **Boilers.**—All boilers used for generating steam in and about coal mines shall be kept in good order, and the owner or agent thereof shall have them examined and inspected, by a competent boiler-maker, as often as once in three months.

§ 11. This act shall not apply to opening a new coal mine.

§ 12. This act shall take effect immediately.

### SYSTEM OF MINE BELL SIGNALS.

(Approved March 8, 1893. Stats. 1893, p. 82.)

§ 1. **Code of Mine Bell Signals.**—Every person, company, corporation, or individual operating any mine within the State of California—gold, silver, copper, lead, coal, or any other metal or substance where it is necessary to use signals by means of bell or otherwise for shafts, inclines, drifts, crosscuts, tunnels, and underground workings—shall, after the passage of this bill, adopt, use, and put in force the following system or code of mine bell signals, as follows:

1 bell, to hoist. (See rule 2.)

1 bell, to stop if in motion.

2 bells to lower. (See rule 2.)

3 bells, man to be hoisted; run slow. (See rule 2.)

4 bells, start pump, if not running, or stop pump if running.

1—3 bells, start or stop air compressor.

5 bells, send down tools. (See rule 4.)

6 bells, send down timbers. (See rule 4.)

7 bells, accident; move bucket or cage by verbal orders only.

1—4 bells, foreman wanted.

2—1—1 bells, done hoisting until called.

2—1—2 bells, done hoisting for the day.

2—2—2 bells, change buckets from ore to water, or vice versa.

3—2—1 bells, ready to shoot in the shaft. (See rule 3.)

Engineer's signal, that he is ready to hoist, is to raise the bucket or cage two feet and lower it again. (See rule 3.)

Levels shall be designated and inserted in notice hereinafter mentioned. (See rule 5.)

§ 2. **Rules.**—For the purpose of enforcing and properly understanding the above code of signals, the following rules are hereby established:



Rule 1. In giving signals make strokes on bell at regular intervals. The bar (—) must take the same time as for one stroke of the bell, and no more. If timber, tools, the foreman, bucket, or cage, are wanted to stop at any level in the mine, signal by number of strokes on the bell, the number of the level first before giving the signal for timber, tools, etc. Time between signals to be double bars (— —). Examples:

6 — — 5, would mean stop at sixth level with tools.

4 — — 1—1—1— —1, would mean stop at fourth level, man on, hoist.

2 — — 1—4, would mean stop at second level with foreman.

Rule 2. No person must get off or on the bucket or cage while the same is in motion. When men are to be hoisted, give the signal for men. Men must then get on bucket or cage, then give the signal to hoist. Bell-cord must be in reach of man on the bucket or cage at stations.

Rule 3. After signal "Ready to shoot in shaft," engineer must give his signal when he is ready to hoist. Miners must then give the signal of "Men to be hoisted," then "spit fuse," get into the bucket, and give the signal to hoist.

Rule 4. All timbers, tools, etc., "longer than the depth of the bucket," to be hoisted or lowered, must be securely lashed at the upper end to the cable. Miners must know they will ride up or down the shaft without catching on rocks or timbers, and be thrown out.

Rule 5. The foreman will see that one printed sheet of these signals and rules for each level and one for the engine-room are attached to a board not less than twelve inches wide by thirty-six inches long, and securely fasten the board up where signals can be easily read at the places above stated.

Rule 6. The above signals and rules must be obeyed. Any violation will be sufficient grounds for discharging the party or parties so doing. No person, company, corporation, or individuals operating any mine within the State of California shall be responsible for accidents that may happen to men disobeying the above rules and signals. Said notice and rules shall be signed by the person or superintendent having charge of the mine, who shall designate the name of the corporation or the owner of the mine.

§ 3. **Penalty.**—Any person or company failing to carry out any of the provisions of this act shall be responsible for all damages arising to or incurred by any person working in said mine during the time of such failure.

§ 4. This act shall take effect immediately.

**EXTRACTION OF MINERALS FROM WATERS OF STREAM OR LAKE.**

(Approved April 14, 1911. Stats. 1911, p. 904.)

§ 1. **Extracting Minerals from Waters.**—Minerals contained in the waters of any stream or lake in this State shall not be extracted from said waters except upon charges, terms and conditions prescribed by law. No person, firm, corporation or association shall hereafter gain the right to extract or cause to be extracted said minerals from said waters by user, custom, prescription, appropriation, littoral rights, riparian rights, or in any manner other than by lease from or express permission of the State as prescribed by law; and no such lease or permission shall be granted for a longer period than twenty-five years.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect immediately.

**LEASES OF LAKES AND STREAMS, THE WATERS OF WHICH CONTAIN MINERALS IN COMMERCIAL QUANTITIES.**

(Approved April 27, 1911. Stats. 1911, p. 1154.)

§ 1. **Waters Containing Minerals Withdrawn from Sale.**—There is hereby withdrawn from selection and sale all of the lands embraced within the original meander lines of streams and lakes belonging to the State, the waters of which contain minerals in commercial quantities, and all such lands which may hereafter inure to the State by virtue of its sovereignty, excepting such lands now contracted to be sold under sections 3493m to 3493t, both inclusive, of the Political Code.

§ 2. **Water may be Taken Only Under This Act.**—No person, firm or corporation shall take water from such streams or lakes containing minerals and extract from such waters such minerals, except under the terms and conditions of this act; and no person, firm or corporation may lease any land herein referred to and extract therefrom minerals deposited therein or thereon, except under the terms and conditions of this act.

§ 3. **Statement to be Filed With County Assessor and State Controller.**—Every person, firm or corporation taking from the waters of such stream, lakes or lands any minerals, shall file, on or before the last Monday in January of each year, with the county assessor of the county in which any such stream or lake is situated, and also with the State controller, a written statement, duly verified, showing in tons of two thousand pounds, the amount of mineral taken by such person, firm or corporation from such water or land during the year ending December 31st last preceding and sold by said person, firm or corporation during the said year preceding. Any such person, firm or corporation neglecting or refusing to furnish such statement shall be subject to a fine of one hundred dollars for each day after the said last Monday in January such person, firm or corporation shall fail to furnish such statement, and, in addition to said fine, shall forfeit all leases granting the right to

extract such minerals from said water and said land. Any person who shall, either on behalf of himself or any firm or corporation, verify any such statement which shall be untrue in any material part, shall be deemed guilty of a misdemeanor.

§ 4. **Examination of Statement.**—In case either the assessor or the State controller shall not be satisfied with the statement as returned, he may make an examination of the matters necessary to verify or correct said statement, and, for that purpose, may subpoena witnesses and call for and compel the production of necessary books and papers belonging to the person, firm or corporation making the returns.

§ 5. **Royalty.**—The county assessor of the county shall, after examination and approval by him and the State controller of such statement, proceed to collect from such person, firm or corporation a royalty of twenty-five cents for each ton of two thousand pounds of mineral taken from such water or land by such person, firm or corporation and sold during the preceding year, in the manner provided for the collection of personal property taxes; provided, that the royalty on sodium bicarbonate and on sodium hydrate so taken shall be fifty (50) cents for each ton of two thousand pounds.

§ 6. **Application to Lease Lands.**—Any person, firm or corporation desiring to lease any lands under this act must make application therefor to the surveyor general of the State, describing the lands sought to be leased by legal subdivisions, or, if the legal subdivisions are unknown to the applicant, by metes and bounds. The application must be accompanied by a filing fee of ten dollars.

§ 7. **Survey of Lands.**—Upon the receipt of such application, the surveyor general shall direct the county surveyor of the county in which such lands are situated to survey the land sought to be leased. The county surveyor shall make an actual survey of the land, at the expense of the applicant, establishing the four corners to each quarter section, and connecting the same with a United States survey; and within thirty days file with the surveyor general a copy, under oath, of his field-notes and plat. If the county surveyor fails to make the survey as herein provided, the surveyor general shall immediately direct another person to make the survey at the expense of the applicant, and said survey shall be made and completed within thirty days after the authorization, and the field-notes and plats, or copies thereof, shall be sworn to by the surveyor making them and shall be filed with the surveyor general.

§ 8. **Approval or Rejection of Application.**—All applications to lease land under this act shall be approved or rejected by the surveyor general within ninety days after the receipt thereof. Immediately after the approval of the application, the surveyor general shall execute and deliver to the applicant a lease of the lands described in the application.

§ 9. **Rental.**—The lands designated in this act shall be leased at the rate of two dollars and fifty cents per acre, per year, payable yearly

in advance. All moneys received as rental for such lands and as royalty upon the mineral product of the waters of the lakes, streams or lands above mentioned, shall be paid into the State school land fund.

§ 10. **First Payment—Limit of Lease.**—Whenever any lease is delivered to the applicant by the surveyor general, the lessee shall, within fifteen days thereafter, present said lease to the treasurer of the State of California, and make payment of the first annual rental. The treasurer shall receive the money and give a receipt therefor. All subsequent annual payments of rental must be paid to the state treasurer, in like manner, within fifteen days after they become due. In case payments are not made as herein provided, the lease and all rights thereunder shall cease and terminate. No lease shall run for more than twenty-five years; provided, that upon the expiration of any lease, such lease may be extended for a period of twenty-five years upon such terms and conditions as may then be prescribed by law.

§ 11. **Reservations to State.**—All leases made under the authority of this act shall contain a reservation to the State of a right to locate rights of way across such leased lands, subject only to the requirements that the rights of way shall be located in such manner as to cause the least injury to the leased lands across which the same may be located, and that any damage suffered by the lessee of such lands shall be compensated by the lessee of the lands for whose benefit the right of way is required; and every such lease shall be subject to, and shall contain a reservation of, the right of any city and county or incorporated city or town of this State to at any time appropriate and take, under the laws of this State relative to the appropriation of waters, water from any stream or lake tributary to or discharging into any stream or lake of the character mentioned in section 1 of this act for any use or uses within the authorized powers of such city and county, or incorporated city or town.

§ 12. **Lease to Rights of Way.**—Leases of rights of way, not exceeding one hundred feet in width, for access to any waters or lands designated by this act, may be applied for and granted in the manner herein provided for leasing lands. Such rights of way shall be leased at an annual rental of two dollars and fifty cents an acre, and the same shall be paid as herein provided for leased lands.

§ 13. **Termination of Lease.**—All leases of mineral lands provided for by this act shall cease and terminate on December 31st of any year if the lessee or assigns has not, during the year preceding, extracted or removed from such land and water an amount of mineral equal, in the aggregate, to a minimum of five tons per acre of land leased; provided, that when a lease is not delivered to the lessee until after the fifteenth day of January of any year, the minimum tonnage for such year shall be less than five (5) tons, and shall be proportional to the number of days remaining in such year after the completion of the works.

**MINER'S LIEN.**

Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process or furnishes materials to be used or consumed therein, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, subcontractor, superintendent or other person having charge of any mining or work or labor performed in and about such mining claim or claims or real property worked as a mine, either as lessee or under a working bond or contract thereon shall be held to be the agent of the owner for the purposes of this chapter. [Part of Code Civ. Proc. 1183, as amended 1911.]

**EIGHT HOUR LAW.**

§ 1. **Period of Employment.**—That the period of employment for all persons who are employed or engaged in work in underground mines in search of minerals, whether base or precious, or who are engaged in such underground mines for other purposes, or who are employed or engaged in any other underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or who are employed in smelters and other institutions for the reduction or refining of ores or metals shall not exceed eight hours within any twenty-four hours, and the hours of employment in such employment or work day shall be consecutive, excluding, however, any intermission of time for lunch or meals; provided, that, in case of emergency where life or property is in imminent danger, the period may be a longer time during the continuance of the exigency or emergency.

§ 2. **Penalty.**—Any person who shall violate any provision of this act, and any person who as foreman, manager, director or officer of a corporation, or as the employer or superior officer of any person, shall command, persuade or allow any person to violate any provision of this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300), or by imprisonment of not more than three months. And the court shall have discretion to impose both fine and imprisonment as herein provided.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

**TELEPHONE SYSTEM IN MINES.**

(Approved June 13, 1913. In effect August 10, 1913.)

§ 1. **Telephone System.**—In all mines operated and worked in this State where a depth of more than five hundred feet underground has

been reached, a telephone system must be established, equipped and maintained by the owners or lessees thereof with stations at each working level below the depth aforesaid, communicating with a station thereof on the surface of any such mine.

§ 2. **Penalty.**—The failure or refusal of any owner or lessee to install or maintain such telephone system shall be deemed guilty of misdemeanor and punished accordingly.

## **DEBRIS LAW.**

### **ACT TO CREATE THE CALIFORNIA DEBRIS COMMISSION AND REGULATE HYDRAULIC MINING IN THE STATE OF CALIFORNIA.**

**California Debris Commission Created—Appointment—Authority and Power.**—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be known as the California Debris Commission, consisting of three members. The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner. It shall have the authority, and exercise the powers hereinafter set forth, under the supervision of the Chief of Engineers and direction of the Secretary of War.

§ 2. **Organization—Compensation—Rules, etc., of Procedure.**—That said commission shall organize within thirty days after its appointment by the selection of such officers as may be required in the performance of its duties, the same to be selected from the members thereof. The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers. It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this act.

§ 3. **Jurisdiction—Injurious Hydraulic Mining Prohibited.**—That the jurisdiction of said commission, in so far as the same affects mining carried on by the hydraulic process shall extend to all such mining in the territory drained by the Sacramento and San Joaquin river systems in the State of California. Hydraulic mining, as defined in section 8 hereof, directly or indirectly injuring the navigability of said river systems, carried on in said territory other than as permitted under the provisions of this act is hereby prohibited and declared unlawful.

§ 4. **Duty of Commission—Plans—Improving Navigability of Rivers, etc.—Certain Hydraulic Mining Permitted.**—That it shall be the duty of said commission to mature and adopt such plan or plans, from examinations and surveys already made and from such additional examinations and surveys as it may deem necessary, as will improve

the navigability of all the rivers comprising said systems, deepen their channels, and protect their banks. Such plan or plans shall be matured with a view of making the same effective as against the encroachment of and damage from debris resulting from mining operations, natural erosion or other causes, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition existing in 1860, and permitting mining by the hydraulic process, as the term is understood in said State, to be carried on, provided the same can be accomplished without injury to the navigability of said rivers or the lands adjacent thereto.

**§ 5. Surveys of Storage Sites for Debris, Reservoirs, etc.—Examination of Hydraulic and Other Mines, etc.**—That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of debris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of debris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season; and in connection therewith to investigate such hydraulic and other mines as are now or may have been worked by methods intended to restrain the debris and material moved in operating such mines by impounding dams, settling reservoirs, or otherwise, and in general to make such study of and researches in the hydraulic mining industry as science, experience and engineering skill may suggest as practicable and useful in devising a method or methods whereby such mining may be carried on as aforesaid.

**§ 6. Noting Condition of Navigable Channels.**—That the said commission shall from time to time note the conditions of the navigable channels of said river systems, by cross-section surveys or otherwise, in order to ascertain the effect therein of such hydraulic mining operations as may be permitted by its orders and such as is caused by erosion, natural or otherwise.

**§ 7. Annual Report—Contents.**—That said commission shall submit to the Chief of Engineers, for the information of the Secretary of War, on or before the 15th day of November of each year a report of its labors and transactions, with plans for the construction, completion, and preservation of the public works outlined in this act, together with estimates of the cost thereof, stating what amounts can be profitably expended thereon each year. The Secretary of War shall thereupon submit same to Congress on or before the meeting thereof.

**§ 8. "Hydraulic Mining" and "Mining by the Hydraulic Process" Defined.**—That for the purposes of this act "hydraulic mining" and

"mining by the hydraulic process," are hereby declared to have the meaning and application given to said terms in said State.

§ 9. **Hydraulic Miners must File Petition With Commission.**—That the individual proprietor or proprietors, or in case of a corporation its manager or agent appointed for that purpose, owning mining ground in the territory in the State of California mentioned in section 3 thereof, which it is desired to work by the hydraulic process, must file with said commission a verified petition, setting forth such facts as will comply with law and the rules prescribed by said commission.

§ 10. **Surrender to United States of Right to Regulate the Working, etc.—Use of Other Processes, etc., not Affected—Proviso—Navigability of Rivers.**—That said petition shall be accompanied by an instrument duly executed and acknowledged, as required by the law of the said State, whereby the owner or owners of such mine or mines surrender to the United States the right and privilege to regulate by law, as provided in this act, or any law that may hereafter be enacted, or by such rules and regulations as may be prescribed by virtue thereof the manner and method in which the debris resulting from the working of said mine or mines shall be restrained, and what amount shall be produced therefrom; it being understood that the surrender aforesaid shall not be construed as in any way affecting the right of such owner or owners to operate said mine or mines by any other process or method now in use in said State: Provided, That they shall not interfere with the navigability of the aforesaid rivers.

§ 11. **Joint Petition by Mining Claim Owners Requiring a Common Dumping Ground, etc.**—That the owners of several mining claims situated so as to require a common dumping ground or dam or other restraining works for the debris issuing therefrom in one or more sites may file a joint petition setting forth such facts in addition to the requirements of section 9 hereof; and where the owner of a hydraulic mine or owners of several such mines have and use common dumping sites for impounding debris or as settling reservoirs which sites are located below the mine of an applicant not entitled to use same, such fact shall also be stated in said petition. Thereupon the same proceedings shall be had as provided for herein.

§ 12. **Notice of Petition, etc., to be Published—Examination Pending Publication—Affidavits, Plans, etc., may be Filed—Hearings.**—A notice specifying briefly the contents of said petition and fixing a time previous to which all proofs are to be submitted shall be published by said commission in some newspaper or newspapers of general circulation in the communities interested in the matter set forth therein. If published in a daily paper such publication shall continue for at least ten days; if in a weekly paper in at least three issues of the same. Pending publication thereof said commission, or a committee thereof, shall examine the mine and premises described in such petition. On or before the time so fixed all parties interested, either as petitioners or contestants, whether miners or agriculturists, may file affidavits,



plans, and maps in support of their respective claims. Further hearings, upon notice to all parties of record, may be granted by the commission when necessary.

**§ 13. Favorable Decisions Within Thirty Days—Order Directing Methods of Mining, Conditions, etc.—Taxes on Gross Proceeds—Proviso—Expenses.**—That in case a majority of the members of said commission, within thirty days after the time so fixed, concur in a decision in favor of the petitioner or petitioners, the said commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if facilities therefor can be found, shall be built, and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interests and prevent injury to the said navigable rivers, and the lands adjacent thereto, with such further conditions and limitations as will observe all the provisions of this act in relation to the working thereof and the payment of taxes on the gross proceeds of the same: Provided, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines.

**§ 14. Plans, etc., to be Submitted to Commission—Commencement of Works—Supervision and Inspection—Completion of Works—Permission to Commence Mining.**—That such petitioner or petitioners must within a reasonable time present plans and specifications of all works required to be built in pursuance of said order for examination, correction, and approval by said commission; and thereupon work may immediately commence thereon under the supervision of said commission or representative thereof attached thereto from said Corps of Engineers, who shall inspect same from time to time. Upon completion thereof, if found in every respect to meet the requirements of the said order and said approved plans and specifications, permission shall thereupon be granted to the owner or owners of such mine or mines to commence mining operations, subject to the conditions of said order and the provisions of this act.

**§ 15. Conditions, etc., as to Commencing Operations—Proviso—Navigation, etc., Sufficiently Protected.**—That no permission granted to a mine owner or owners under this act shall take effect, so far as regards the working of a mine, until all impounding dams or other restraining works, if any are prescribed by the order granting such permission, have been completed and until the impounding dams or other restraining works or settling reservoirs provided by said commission have reached such a stage as in the opinion of said commission, it is safe to use the same: Provided, however, That if said commission shall be of the opinion that the restraining and other works already constructed at the mine or mines shall be sufficient to protect the navigable rivers of said systems and the work of said commission, then the

owner or owners of such mine or mines may be permitted to commence operations.

**§ 16. Allotment of Expenses for Constructing Common Dumps, etc.—Subsequent Petitioners to Pay for Dumping Privilege—Apportionment of Such Payment to Original Owners—Maintenance, etc.—Location.**—That in case the joint petition referred to in section 11 hereof is granted, the commission shall fix the respective amounts to be paid by each owner of such mines toward providing and building necessary impounding dams or other restraining works. In the event of a petition being filed after the entry of such order, or in case the impounding dam or dams or other restraining works have already been constructed and accepted by said commission, the commission shall fix such amount as may be reasonable for the privilege of dumping therein, which amount shall be divided between the original owners of such impounding dams or other restraining works in proportion to the amount respectively paid by each party owning same. The expense of maintaining and protecting such joint dam or works shall be divided among mine owners using the same in such proportion as the commission shall determine. In all cases where it is practicable, restraining and impounding works are to be provided, constructed and maintained by mine owners near or below the mine or mines before reaching the main tributaries of said navigable waters.

**§ 17. Limit of Debris Washed Away.**—That at no time shall any more debris be permitted to be washed away from any hydraulic mine or mines situated on the tributaries of said rivers and the respective branches of each, worked under the provisions of this act, than can be impounded within the restraining works erected.

**§ 18. Modification, etc., of Orders.**—That the said commission may at any time when the condition of the navigable rivers or when the capacities of all impounding and settling facilities erected by mine owners or such as may be provided by government authority require same, modify the order granting the privilege to mine by the hydraulic mining process so as to reduce amount thereof to meet the capacities of the facilities then in use, or, if actually required in order to protect the navigable rivers from damage, may revoke same until the further notice of the commission.

**§ 19. Forfeiture for Violating Conditions—Work to Cease upon Service of Notice—Enforcement of Orders, etc.**—That an intentional violation on the part of a mine owner or owners, company, or corporation, or the agents or the employees of either, of the conditions of the order granted pursuant to section 13, or such modifications thereof as may have been made by said commission, shall work a forfeiture of the privileges thereby conferred, and upon notice being served by the order of said commission upon such owner or owners, company or corporation, or agent in charge, work shall immediately cease. Said commission shall take necessary steps

to enforce its orders in case of the failure, neglect, or refusal of such owner or owners, company, or corporation, or agents thereof, to comply therewith, or in the event of any person or persons, company or corporation working by said process in said territory contrary to law.

§ 20. **Visiting Mines—Report.**—That said commission, or a committee therefrom or officer of said corps assigned to duty under its orders, shall, whenever deemed necessary, visit said territory and all mines operating under the provisions of this act. A report of such examination shall be placed on file.

§ 21. **Use of Public Lands and Material—Withdrawal of Lands from Sale and Entry.**—That the said commission is hereby granted the right to use any of the public lands of the United States, or any rock, stone, timber, trees, brush, or material thereon or therein, for any of the purposes of this act; and the Secretary of the Interior is hereby authorized and requested, after notice has been filed with the Commissioner of the General Land Office by said commission, setting forth what public lands are required by it under the authority of this section, that such land or lands shall be withdrawn from sale and entry under the laws of the United States.

§ 22. **Willful Injury to Works a Misdemeanor—Penalty—Violation of This Act a Misdemeanor—Penalty—Proviso—Operative Date.**—That any person or persons who willfully or maliciously injure, damage, or destroy, or attempt to injure, damage, or destroy, any dam or other work erected under the provisions of this act for restraining, impounding, or settling purposes, or for use in connection therewith, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed the sum of five thousand dollars or be imprisoned not to exceed five years, or by both such fine and imprisonment, in the discretion of the court. And any person or persons, company or corporation, their agents or employees, who shall mine by the hydraulic process directly or indirectly injuring the navigable waters of the United States, in violation of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: Provided, That this section shall take effect on the first day of May, 1893.

§ 23. **Tax on Gross Proceeds of Hydraulic Mines—Ascertainment and Payment of Tax—Regulations, etc.—A "Debris Fund" Created—Expenditures from Same by the Commission—Provisos—Money Advances from Mine Owners—Refund of Same When Tax is Paid—Limitation.**—That upon the construction by the said commission of dams or other works for the detention of debris from hydraulic mines and the issuing of the order provided for by this act to any individual, company, or corporation to work any mine or mines by hydraulic process, the individual, company, or corporation operating thereunder working any mine or mines by hydraulic process, the debris from which

flows into or is in whole or in part restrained by such dams or other works erected by said commission, shall pay a tax of three per centum on the gross proceeds of his, their, or its mine so worked; which tax of three per centum shall be ascertained and paid in accordance with regulations to be adopted by the Secretary of the Treasury, and the Treasurer of the United States is hereby authorized to receive the same. All sums of money paid into the Treasury under this section shall be set apart and credited to a fund to be known as the "Debris Fund," and shall be expended by said commission under the supervision of the Chief of Engineers and direction of the Secretary of War, in addition to the appropriations made by law in the construction and maintenance of such restraining works and settling reservoirs as may be proper and necessary: Provided, That said commission is hereby authorized to receive and pay into the Treasury from the owner or owners of mines worked by the hydraulic process, to whom permission may have been granted so to work under the provisions thereof, such money advances as may be offered to aid in the construction of such impounding dams or other restraining works, or settling reservoirs, or sites therefor, as may be deemed necessary by said commission to protect the navigable channels of said river systems, on condition that all moneys so advanced shall be refunded as the said tax is paid into the said debris fund: And provided further, That in no event shall the government of the United States be held liable to refund same except as directed by this section.

**§ 24. Commission may Consult With State Commission of Engineers—Report on Conference—Approval.**—That for the purpose of securing harmony of action and economy of expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining debris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission.

**§ 25. Appropriations from Debris Fund to be Expended in Restraining Works, etc., Above Head of Navigation, etc.—Recommendations Adopted and Made the Basis of Operations—Appropriations.**—That said commission, in order that such material as is now or may hereafter be lodged in the tributaries of the Sacramento and San Joaquin river systems resulting from mining operations, natural erosion, or other causes, shall be prevented from injuring the said navigable rivers or such of the tributaries of either as may be navigable and the land adjacent thereto, is hereby directed and empowered, when appro-

priations are made therefor by law, or sufficient money is deposited for that purpose in said debris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or branches of such tributaries, or at any place adjacent to the same, which in the judgment of said commission will effect said object (the same to be of such material as will insure safety and permanency), such restraining or impounding dams and settling reservoirs with such canals, locks, or other works adapted and required to complete same. The recommendations contained in Executive Document Numbered Two Hundred and Sixty-seven, Fifty-first Congress, Second Session, and Executive Document Numbered Ninety-eight, Forty-seventh Congress, First Session, as far as they refer to impounding dams, or other restraining works are hereby adopted, and the same are directed to be made the basis of operations. The sum of fifteen thousand dollars is hereby appropriated, from moneys in the Treasury not otherwise appropriated, to be immediately available to defray the expenses of said Commission. (Approved March 1, 1893.)

#### **INSTRUCTIONS TO OWNERS AND OPERATORS OF HYDRAULIC MINES IN CALIFORNIA.**

1. The California Debris Commission is composed of three officers of the Corps of Engineers, United States Army, who are appointed by the President of the United States, with the advice and consent of the Senate, under the authority of the act of Congress, approved March 1, 1893. The Commission is charged by this act with the enforcement of its provisions, including such regulation and control of hydraulic mining in the drainage areas of the Sacramento and San Joaquin rivers of the State of California as is necessary to cause the tailings from such mining to be so impounded in the vicinity of the mine as to prevent injury to the navigable rivers and adjacent lands. The owners and operators of such mines are required by this law to comply strictly with such requirements of the commission as may be deemed necessary to effect this purpose. An extreme penalty of \$5,000 fine and one year's imprisonment is provided for violation of the act.

2. Hydraulic mining embraces all mining operations where water is used under pressure through a nozzle against any bank of earth, gravel, or other similar material, thus eroding the bank. It is forbidden by law except under the supervision of the commission.

3. The law requires that in all cases a license or written permission must be obtained from the commission before hydraulic mining in the regions mentioned can be legally carried on.

4. Licenses or permission to mine by the hydraulic process are revocable by the commission, and will not be given unless the requirements of the commission are complied with as to sufficiency of suitable restraining barriers or dams. Licenses, when granted, will be suspended or revoked for failure to properly maintain such barriers or dams or for failure to make the reports and furnish information asked for by the commission.

5. Licenses are obtained by making application to the California Debris Commission, San Francisco, Cal., on the special blank form issued by the commission, copies of which will be sent on request, free of cost.

6. Licenses are not transferable and are valid only for the operations of the individual or company, and for the special mine named in the license.

7. By the terms of the law an application for a license must be advertised by the commission in the newspapers to allow any protests to be filed with the commission. This advertising usually takes about three weeks.

8. As soon as practicable after advertising an application, the sites proposed by the applicants for the restraining works are visited, and if found satisfactory, authority to construct the dams or barriers is given with the commission's specifications and instructions for the work. Any dam built before such authorization is built wholly at the builder's risk, and may not be accepted by the commission. Any variation in location or character of work from that specified by the commission may also cause rejection of the dam.

9. When such authorized dams are completed, the commission should be promptly notified so that an inspection may be made as soon as practicable thereafter. If found satisfactory, a revocable license to mine will be issued. *Until the license is issued it is illegal to mine.*

10. When mining has been begun under a license, a report every month must be submitted on one of the blank forms furnished for this purpose by the commission upon request. If no mining is carried on for any month, the small form is to be used, otherwise, the large form must be forwarded. All blank spaces should be carefully and accurately filled.

11. In case of any accident to a restraining dam affecting its efficiency, mining must immediately cease and the commission must be promptly notified.

12. When a dam becomes full of debris, mining must cease until more impounding capacity is provided either by raising the dam or by the construction of new dams. The permission of the commission must be obtained to raise dams, and the work when completed must be inspected and approved by the commission before mining may be resumed.

13. Dams must be kept water tight and a pool at least 3 feet deep must be maintained as a settling basin above each dam while mining is in progress. Leaks must be promptly checked.

14. Names of mines must not be changed without due notice to the commission.

15. No charges or fees of any kind are required or allowed, all expenses of inspection being borne by the United States.

16. The mine owners are usually expected to meet the inspector at the nearest railway or stage station and take him to the mine and back. As many regions where mines are located are inaccessible in winter time, applications for licenses and inspections should be submitted as

priations are made therefor by law, or sufficient money is deposited for that purpose in said debris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or branches of such tributaries, or at any place adjacent to the same, which in the judgment of said commission will effect said object (the same to be of such material as will insure safety and permanency), such restraining or impounding dams and settling reservoirs with such canals, locks, or other works adapted and required to complete same. The recommendations contained in Executive Document Numbered Two Hundred and Sixty-seven, Fifty-first Congress, Second Session, and Executive Document Numbered Ninety-eight, Forty-seventh Congress, First Session, as far as they refer to impounding dams, or other restraining works are hereby adopted, and the same are directed to be made the basis of operations. The sum of fifteen thousand dollars is hereby appropriated, from moneys in the Treasury not otherwise appropriated, to be immediately available to defray the expenses of said Commission. (Approved March 1, 1893.)

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2. Hydraulic mining embraces all mining operations where water is used under pressure through a nozzle against any bank of earth, gravel, or other similar material, thus eroding the bank. It is forbidden by law except under the supervision of the commission.

3. The law requires that in all cases a license or written permission must be obtained from the commission before hydraulic mining in the regions mentioned can be legally carried on.

4. Licenses or permission to mine by the hydraulic process are revocable by the commission, and will not be given unless the requirements of the commission are complied with as to sufficiency of suitable restraining barriers or dams. Licenses, when granted, will be suspended or revoked for failure to properly maintain such barriers or dams or for failure to make the reports and furnish information asked for by the commission.

Is it a watercourse or worked-out pit.....  
 What is the drainage area above the site of the proposed dam, in case  
 the impounding basin is in a watercourse.....  
 Grade of bottom of impounding basin.....feet per hundred feet.  
 Area of ground draining into impounding basin in case it is not in a  
 watercourse.....  
 Average annual rainfall if known.....  
 Rainfall in one hour during heaviest storms.....  
 Deepest snow known (on level).....  
 Width and average depth of stream at dam site during highest known  
 flood.....

NOTE.—Where above information cannot be accurately stated, give estimated  
 amount and indicate that it is estimated.

The following maps, plans, sketches, etc., are inclosed:

1. Map showing claims, proposed workings, and part already  
 worked.
2. Map showing impounding basin.
3. Section of proposed dam or barrier. Longitudinal and cross-sec-  
 tions of basin.

NOTE.—The above maps are necessary for important mines and desirable in  
 all cases. The cross-sections should be 200 to 500 feet apart, and taken at the  
 widest and narrowest places. For small mines sketch maps may suffice, but for  
 important mines these maps should be made by an experienced surveyor and should  
 show the contours of the impounding basin so that its contents can be accurately  
 computed. Each map should show who made it.

Names of mines whose owners are entitled to use proposed impounding  
 basin and whose petitions are submitted with this one constituting  
 a joint petition.....

Names of mines which drain into the same impounding basin and  
 which are not entitled to use it.....

Route to mine:—Nearest railroad station.....  
                                   Thence by stage.....miles to .....P. O. or town.  
                                   Thence by wagon road.....miles to.....  
                                   Thence by trail.....miles to mine.

Distance from mine to site of proposed restraining works.....

Name of person to whom communications concerning mine should be  
 sent.....

Postoffice address.....

Remarks .....

I (or we), .....  
 hereby surrender to the United States the right and privilege to regu-  
 late by law, as provided by the act of Congress entitled "An Act to  
 Create the California Debris Commission and Regulate Hydraulic Min-  
 ing in the State of California," and any law that may hereafter be  
 enacted, and by such rules and regulations as may be prescribed by  
 virtue thereof, the manner and method in which the debris resulting  
 from the working of the.... Mine shall be restrained, and what  
 amount shall be produced therefrom. Said.....mine is situated at



....., in .....County, California, and more particularly described as follows:.....

(Give full description of property by metes and bounds or by section corners.)

It being understood that the surrender aforesaid shall not be construed as in any way affecting the right of such owner (or owners) to operate said mine (or mines) by any other process or method now in use in said State, provided that they shall not interfere with the navigability of the rivers of California.

.....,  
.....,  
.....,

Applicants.

State of California,  
County of.....—ss.

....., being first duly sworn, depose.. and say.. that .....is (or are) the applicant.. named in the foregoing petition; that ..... ha.. read the said petition, and know.. the contents thereof; that the same are true of.....own knowledge except as to such matters as are therein stated on.....information and belief, and that, as to those matters..... believe.. them to be true.

Subscribed and sworn to before me this....day of ....., A. D. 19....

.....,  
Notary Public in and for.....County, State of California.

NOTE.—In case of an incorporated company the petition may be submitted by its attorney in fact, or other duly authorized agent, legal evidence of which authority must be filed with the petition.

In preparing the application all the blank spaces should be carefully filled out and all questions answered as accurately as possible. If the operators are in partnership, the application should be signed in the name of the firm by a member thereof, and the names of all members of the firm should also be given. If a company, the application should be signed with the company name by the secretary, president or other officer authorized to do so, followed by his official signature. The authority of such officer to so sign should accompany the application. This authority should be a properly verified copy of the resolution of the board of directors of the company or extract from the minutes of a meeting of the directors.

Oath as to the accuracy of the statements contained in the application should be made, as indicated, before a notary public or other official authorized by the State law to administer oaths.

A map or sketch should accompany the application, showing the location and extent of the mine, the stream into which the mine drains, the location of the proposed restraining works, the United States Land Office lines of the vicinity, and the roads in the neighborhood.

## NATURALIZATION LAWS.

(34 Stats. at Large, part 1, p. 596.)

### **Bureau of Immigration and Naturalization—Registry of Alien Arriving After the Passage of This Act—Certificate of Registry.—**

The designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

§ 2. **Additional Offices and Additional Assistants.**—That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such Bureau, fixing the compensation of such additional employees until July 1st, 1907, within the appropriations made for that purpose.

§ 3. **Jurisdiction to Naturalize Aliens.**—That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States Circuit and District Courts now existing, or which may hereafter be established by Congress in any State, United States District Courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the Supreme Court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

**Jurisdiction Extends to Aliens Resident Within Judicial Districts.**—That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

**Blank Forms.**—The courts herein specified shall, upon the requisition of the Clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

**§ 4. Alien, How Admitted.**—That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

*First. Declaration of Intention.*—He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly, by name, to the prince, potentate, State, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however,* that no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration: *Provided further,* that any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on the part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens.

*Second. Petition for Naturalization—Contents.*—Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing,

signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, that if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly by name to the prince, potentate, State, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

**Affidavits of Witnesses.**—The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or District in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

**Certificate from the Department.**—At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

*Third. Declaration in Open Court.*—He shall, before he is admitted to citizenship, declare on oath in open court that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly by name to the prince, potentate, State, or sovereignty of which he was before a citizen or subject; that he will support and defend the constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

*Fourth. Showing Required.*—It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

*Fifth. Renunciation of Nobility.*—In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or State from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

*Sixth.—Naturalization of Widow and Children.*—When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

**§ 5. Notice by Clerk—Subpoena.**—That the Clerk of any court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the Clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned.

**§ 6. Petitions may be Filed During Term Time or Vacation—Final Action Ninety Days After.**—That petitions for naturalization may be made and filed during term time or vacation of the court and shall be

docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*, that no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

**§ 7. Anarchists and Polygamists.**—That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

**§ 8. English Language.**—That no alien shall hereafter be naturalized or admitted as a citizen of the United States who cannot speak the English language: *Provided*, that this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, that the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, that the requirements of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

**§ 9. Final Hearing.**—That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

**§ 10. Residence, How Proved.**—That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established

may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

**§ 11. Appearance by United States.**—That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

**§ 12. Duty of Clerk to File Duplicates, etc.**—That it is hereby made the duty of the Clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the Clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

**Penalty for Neglect or Refusal.**—In case any such Clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

**Accounting for Blanks Furnished.**—Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such Clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such Clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to

the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

§ 13. **Fees.**—That the Clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

*Accounting for Fees.*—The Clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such Clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

*Witness Fees.*—In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the Clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the Clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such Clerk for such purpose, and the residue, if any, shall be returned by the Clerk to the petitioner: *Provided*, that the Clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The Clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the Clerks of courts from fees received by such Clerks in naturalization proceedings.

**Fees in Excess of Six Thousand Dollars.**—And in case the Clerk of any court exercising naturalization jurisdiction collects fees in excess



of the sum of \$6,000 in any fiscal year the Secretary of Commerce and Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that Clerk, additional to the clerical force, for which Clerks of courts are required by this section to pay from fees received by such Clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such Clerk warrants further additional assistance: *Provided*, that in no event shall the whole amount allowed the Clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said Clerk from naturalization fees during such fiscal year: *Provided, further*, that when, at the close of any fiscal year, the business of such Clerk of court indicates in the opinion of the Secretary of Commerce and Labor that the naturalization fees for the succeeding fiscal year will exceed \$6,000, the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate in the opinion of said Secretary that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

**§ 14. Records, How Bound and Numbered.**—That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

**§ 15. Suit to Cancel Certificate.**—That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

**Return to Country of Nativity Within Five Years.**—If any alien who shall have secured a certificate of citizenship under the provisions of

this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered *prima facie* evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

**Cancellation of Certificate of Record.**—Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the Clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the Clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

§ 16. [Superseded by act of March 4, 1909. See *post*.]

§ 17. [Superseded by act of March 4, 1909. See *post*.]

§ 18. **Wrongful Issuance of Certificate a Felony.**—That it is hereby made a felony for any Clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such Clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than \$5,000, in the discretion of the court.

§ 19. [Superseded by act of March 4, 1909. See *post*.]

§ 20. **Failure to Account for Fees.**—That any clerk or other officer of a court having power under this act to naturalize aliens, who will-

fully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than \$5,000, or both.

**§ 21. Unlawful Collection of Fees.**—That it shall be unlawful for any Clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than \$1,000, or by both such fine and imprisonment.

**§ 22. False Certificate.**—That the Clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not to exceed five years.

**§ 23. Wrongful Procuring of Naturalization.**—That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than \$5,000, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

**§ 24. Five Year Limitation on Criminal Proceeding.**—That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

§ 25. **Not Retroactive.**—That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization laws shall remain in full force and effect.

§ 26. **Statutes Repealed.**—That sections 2165, 2167, 2168, 2173 of the Revised Statutes of the United States of America, and section 39 of chapter 1012 of the Statutes at Large of the United States of America for the year 1903, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

§ 27. **Forms.**—That substantially the following forms shall be used in the proceedings to which they relate:

### DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

.....,—ss.

I, ....., aged ..... years, occupation ....., do declare on oath (affirm) that my personal description is: Color ....., complexion ....., height ....., weight ....., color of hair ....., color of eyes ....., other visible distinctive marks .....; I was born in ..... on the .... day of ....., Anno Domini .....; I now reside at .....; I emigrated to the United States of America from ..... on the vessel .....; my last foreign residence was ..... It is my *bona fide* intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ....., of which I am now a citizen (subject); I arrived at the (port) of ....., in the State (Territory or District) of ....., on or about the .... day of ....., Anno Domini .....; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) .....

Subscribed and sworn to (affirmed) before me this .... day of ..... Anno Domini .....

[L. S.] .....

.....  
.....  
(Official character of attestor.)

**PETITION FOR NATURALIZATION.**

..... Court of .....

In the Matter of the Petition of ..... to be Admitted as a Citizen  
of the United States of America.

To the ..... Court:

The petition of ..... respectfully shows:

First. My full name is .....

Second. My place of residence is number ..... street, city of  
....., State (Territory or District) of .....

Third. My occupation is .....

Fourth. I was born on the .... day of ..... at .....

Fifth. I emigrated to the United States from ..... on, or about  
the .... day of ....., Anno Domini ....., and arrived at the  
port of ....., in the United States, on the vessel .....

Sixth. I declared my intention to become a citizen of the United  
States on the .... day of ....., at ....., in the ..... court of  
.....

Seventh. I am .... married. My wife's name is ..... She  
was born in ..... and now resides at ..... I have ..... chil-  
dren, and the name, date, and place of birth and place of residence of  
each of said children is as follows: .....; .....; .....

Eighth. I am not a disbeliever in or opposed to organized govern-  
ment or a member of or affiliated with any organization or body of  
persons teaching disbelief in organized government. I am not a  
polygamist nor a believer in the practice of polygamy. I am attached  
to the principles of the constitution of the United States, and it is my  
intention to become a citizen of the United States and to renounce  
absolutely and forever all allegiance and fidelity to any foreign prince,  
potentate, state, or sovereignty, and particularly to ....., of which  
at this time I am a citizen (or subject), and it is my intention to  
reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America  
for a term of five years at least immediately preceding the date of this  
petition, to wit, since ....., Anno Domini ....., and in the State  
(Territory or District) of ..... for one year at least next preceding  
the date of this petition, to wit, since .... day of ....., Anno  
Domini .....

Eleventh. I have not heretofore made petition for citizenship to any  
court. (I made petition for citizenship to the ..... court of  
..... at ....., and the said petition was denied by the said  
court for the following reasons and causes, to wit, ....., and the  
cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration  
of intention to become a citizen of the United States and the certifi-  
cate from the Department of Commerce and Labor required by law.

Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated .....

(Signature of petitioner) .....

.....,—ss.

....., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this .... day of ....., Anno Domini .....

[L. S.]

.....,  
Clerk of the ..... Court.

### AFFIDAVIT OF WITNESSES.

..... Court of .....

In the Matter of the Petition of ..... to be Admitted a Citizen of the United States of America.

.....,—ss.

....., occupation ....., residing at ....., and ....., occupation ....., residing at ....., each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known ....., the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of ..... years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this .... day of ....., nineteen hundred and .....

[L. S.]

.....,  
(Official character of attester.)

### CERTIFICATE OF NATURALIZATION.

Number .....

Petition, volume ....., page .....

Stub, volume ....., page .....

(Signature of holder) .....

Description of holder: Age, .....; height, .....; color, .....; complexion, .....; color of eyes, .....; color of hair, .....; visi-

ble distinguishing marks, ..... Name, age, and place of residence of wife, ....., ....., ..... Names, ages, and places of residence of minor children, ....., ....., .....

.....—ss.

Be it remembered, that at a ..... term of the ..... court of ....., held at ..... on the .... day of ....., in the year of our Lord nineteen hundred and ....., ....., who previous to his (her) naturalization was a citizen (or subject) of ....., at present residing at number ..... street, ..... city (town), ..... State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that ..he was entitled to be so admitted, it was thereupon ordered by the said court that ..he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the .... day of ....., in the year of our Lord nineteen hundred and ..... and of our independence the .....

[L. S.]

.....  
(Official character of attestor.)

### STUB OF CERTIFICATE OF NATURALIZATION.

No. of certificate, .....

Name .....; age, .....

Declaration of intention, volume ....., page .....

Petition, volume ....., page .....

Name, age, and place of residence of wife, ....., ....., .....

Names, ages, and places of residence of minor children, ....., ....., ....., ....., ....., .....

Date of order, volume ....., page .....

(Signature of holder) .....

**§ 28. Secretary of Commerce and Labor to Make Rules.**—That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act and in all cases in which the originals thereof might be admissible as evidence.

**§ 29. Appropriation.**—That for the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of one hundred thousand dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June thirtieth, nine-

teen hundred and seven; and the provisions of section 3679 of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

**§ 30. Naturalization of Persons not Citizens Who Owe Permanent Allegiance to the United States.**—That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

**§ 31. Act, When Effective.**—That this act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, that sections 1, 2, 28, and 29 shall go into effect from and after the passage of this act.

**Naturalization of the Wife and Minor Children of Insane Aliens Making Homestead Entries Under the Land Laws of the United States.** When any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws, be naturalized without making any declaration of intention. (Act of February 24, 1911.)

**Citizenship of Women by Marriage.**—Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen. (R. S. 1994.)

**Honorably Discharged Soldiers Exempt from Certain Formalities.**—Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States. (R. S. 2166.)

**Aliens of African Nativity and Descent.**—The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent. (R. S. 2160.)



**Residence Within the United States Required for Five Years Continuously.**—No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. 2170.)

**Naturalization to Alien Enemies Prohibited.**—No alien who is a native citizen or subject, or a denizen of any country, State, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year 1812, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien. (R. S. 2171.)

**Children of Persons Naturalized Under Certain Laws to be Citizens.** The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of the persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed. (R. S. 2172.)

**Alien Seamen of Merchant Vessels.**—Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of pro-

shall be deemed such, after the filing of his name as such citizen. (R. S. 2174.)

**Prohibited.**—Hereafter no State court shall admit Chinese to citizenship; and all acts are hereby repealed. (Act of May 6,

**Discharged from Service in Navy or Marine Corps.**

Twenty-one years and upward who has enlisted in the United States Navy or Marine Corps, and has served five consecutive years in the United States Marine Corps, and who shall be honorably discharged, shall be admitted to citizenship in the United States upon his petition, without any further proof of his intention to become such; and the court shall, in addition to proof of good moral character, require competent proof of such person's service in and discharge from the United States Navy or Marine Corps.

**Defects of Naturalization Validated.**—Naturalization cer-

tificates issued under the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went on to show that the courts issuing said certificates had complied with the requirements of section 39 of said act, but which certificates were issued, are hereby declared to be as valid as if they had complied with said section: *Provided*, that in all cases where objections shall be made for new naturalization certificates, the same are granted, upon compliance with the provisions of the act of 1903, they shall relate back to the defective certificate, and shall be deemed to have been perfected at the date of the original certificate. (34 Stats. at Large, 630.)

**Courts of Cook County, Illinois.**—All the records relating to

declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this act takes effect in or from the criminal records of Cook County, Illinois, shall for all purposes be deemed to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated. (34 Stats. at Large, 630.)

**Louisville City Court.**—All of the records relating to naturalization

declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this act takes effect in or from the criminal records of the Louisville city court, sometimes called the Louisville court, Kentucky, shall for all purposes be deemed to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated. (Act of August 24, 1912.)

**Forging, or Counterfeiting Certificate of Citizenship.**—Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. (35 Stats. at Large, 1088.)

**Engraving and Possession of Plates and Paper.**—Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. (35 Stats. at Large, 1088.)

**False Personations.**—Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself; or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. (35 Stats. at Large, 1088.)

**False Use of Certificate of Naturalization.**—Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or

antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. (35 Stats. at Large, 1088.)

**Use of Document Unlawfully Made.**—Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. (35 Stats. at Large, 1088.)

**Use of Certificate Granted by Fraud—False Representation as to Citizenship.**—Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than \$1,000, or imprisoned not more than two years, or both. (35 Stats. at Large, 1088.)

**Perjury.**—Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than \$1,000 and imprisoned not more than five years. (35 Stats. at Large, 1088.)

**Foregoing Proceedings Apply in All Courts.**—The provisions of the five sections last preceding shall apply to all proceedings had or taken,

or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. (35 Stats. at Large, 1088.)

## NATURALIZATION REGULATIONS.

**1. Naturalization Jurisdiction of State Courts.**—Since September 26, 1906, naturalization jurisdiction of State courts is confined to such as have “a seal, a Clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.”

**2. Alien Declaring Prior to September 27, 1906.**—Any alien who prior to September 27, 1906, has declared his intention in conformity with the law in force at the date of his declaration, shall not be required to renew such declaration.

**3. Aliens Declaring After June 29, 1906, and Prior to September 27, 1906.**—Aliens who lawfully declared their intention on and after June 29, 1906, and prior to September 27, 1906, must comply with all of the requirements of the naturalization act of June 29, 1906, in petitioning for naturalization.

**Aliens Declaring Prior to June 29, 1906.**—Aliens who declared their intention prior to June 29, 1906, in accordance with the requirements of law, must comply with all of the requirements of the naturalization act of June 29, 1906, in petitioning for naturalization, except that they will not be required to sign their petitions in their own handwriting, or to speak the English language.

**4. Alien Declaring After June 29, 1906.**—Any alien who declares his intention after June 29, 1906, and files his petition thereon, must sign said petition in his own handwriting, and must be able to speak the English language, unless excepted by the provisos in section 8 of the naturalization act. If an alien is physically unable to speak, that fact should be stated in his petition in lieu of the statement, “I am able to speak the English language.” Aliens who arrive in the United States before reaching eighteen years of age cannot obtain citizenship without making declaration of intention, which may be made at the place of their established residence after reaching that age.

**5. Blank Forms—“Facts for Declaration of Intention”—“Facts for Petition for Naturalization.”**—Blank forms “Facts for declaration of intention” (Form 2213) and “Facts for petition for naturalization” (Form 2214) are provided Clerks of courts for the preliminary use of persons making declaration of intention or petition for naturalization, and may be taken away from the office of the Clerk in order that the information called for may be obtained in full. When either of said forms is returned to the Clerk he shall examine it to see that all the information required is furnished before proceeding to make out a declaration or petition.

In all cases where aliens have arrived in this country after June 29, 1906, they should be given the form, “Application for certificate of arrival,” Form 2226, at the time they desire to file petitions for naturalization, instead of Form 2214. This application has attached to it

the facts required in a petition for naturalization. The application and other blanks on the form should all be carefully filled out by the alien and mailed to the Chief of the Division of Naturalization to enable him to obtain and transmit the required certificate of arrival to the Clerk of court for filing with the petition. The Clerk of the court should not commence the execution of the petition until he has received the certificate of arrival.

**6. Declarations of Intention Furnished in Bound Volumes.**—Declarations of intention will be furnished in bound volumes (Form 2202, 50 leaves; 2202A, 150 leaves; or 2202B, 250 leaves), as a court record, varied in number of pages according to the requirements of the court. In addition to the bound records, the duplicate and triplicate declarations of intention (Form 2203) will be furnished as loose sheets attached together and perforated, so that they can be readily torn apart, the triplicate to be given to the declarant and the duplicate to be forwarded to the Bureau of Immigration and Naturalization (Division of Naturalization). Each bound record will contain an index in addition to the original declarations of intention, and will be paged in consecutive order. At the time the original declarations of intention in the bound volumes are filled out and signed the names of the declarants must be entered in the index. The declarations shall be numbered consecutively, beginning with No. 1 in volume 1 and continuing the sequence from volume to volume.

**7. Originals of the Petitions for Naturalization.**—The originals of the petitions for naturalization will also be furnished in bound volumes (Form 2204, 100 leaves, or 2204B, 250 leaves) paged in consecutive order and provided with an index. The duplicate petitions (Form 2205) will be furnished as loose sheets, and when executed must be forwarded to the Bureau of Immigration and Naturalization (Division of Naturalization) by registered mail, as provided in Rule 22 of these regulations. The original petitions for naturalization in the bound volumes must be filled out and signed, the names of the petitioners entered in the index, and retained as part of the permanent records of the office in which filed. Petitions shall be numbered consecutively, beginning with No. 1 in volume 1 and continuing in order in the following volumes. The first petition in volume 2 must not be numbered "1," but shall receive the number following that given the last petition in volume 1.

**8. Certificates of Naturalization.**—Certificates of naturalization (Form 2207) will be supplied in bound volumes consisting of original and duplicate certificates and stubs. Each original and duplicate certificate and the stub will be given the same serial number, the stub to the original certificate bearing a page number in addition to its serial number. Each book will bear a volume number, and the volume number and page of the stub must be given on the face of the certificate. The original certificate will be given to the petitioner in accordance with the final order of the court, and the duplicate shall be forwarded to the Bureau of Immigration and Naturalization (Division of Naturalization) by registered mail, as provided in Rule 22 of these regulations, the stub to the original constituting a part

of the permanent records of the court. The bound volumes, containing the declarations, petitions, and certificates, constitute the "records" and dockets required by sections 6 and 14 of the naturalization act. The Department requires no other dockets to be kept.

**9. Certificate of Naturalization Issued After Judge has Signed Order.** No certificate of naturalization shall be issued to a petitioner until after the judge of the court granting naturalization has signed the order to that effect.

**10. Requisition Blanks.**—Clerks of courts will be furnished with requisition blanks (Form 2201) on which are listed, by number and title, all blank forms, including record and order books, to be used in the naturalization of aliens, and these forms must be obtained exclusively from the Department of Commerce and Labor (Division of Naturalization), none other being official. Manila envelopes or jackets (Form 2211) will be furnished to Clerks in which to place the triplicate declaration of intention or the original certificate of naturalization before delivering it to the person making the declaration or to the person naturalized.

**11. First Supply of Blank Forms—Certificate of Attorney General of State.**—The first supply of blank forms will be furnished upon the written application of the Clerks of courts having jurisdiction to naturalize aliens, accompanied, in the case of Clerks of State courts, by authoritative evidence (preferably the certificate of the Attorney General of the State) that the courts of which such Clerks are officers have "a seal, a Clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited." Subsequent supplies of such blank forms will be furnished the Clerks of courts having jurisdiction to naturalize aliens upon the receipt by the Bureau of Immigration and Naturalization (Division of Naturalization) of requisitions made on Form 2201.

**12. Application for Blank Forms.**—Clerks of courts when first making application to the Bureau of Immigration and Naturalization (Division of Naturalization) for the supplies of the blank forms required in the naturalization of aliens shall state whether any declarations of intention have been filed or orders of naturalization made by their courts since September 26, 1906.

All applications for supplies of certificates of naturalization (Form 2207) should be accompanied by a statement of the number, if any, of certificates of naturalization issued by the Clerks of courts making such applications since June 1, 1903, if such certificates failed to comply with the requirements of the immigration act of March 3, 1903.

**13. Where Same Court Holds Sessions at Different Places, Separate Supplies Kept.**—Where the same court holds sessions at different places, whether a Clerk is appointed at each of said places or the one Clerk is required to transact the business of the court wherever it may sit, separate supplies shall be kept, in order to comply with the requirements of section 14 of the naturalization act, which provides that the bound declarations of intention and of petitions for naturalization shall be in chronological order.

**14. Change of Name of Naturalized Alien.**—In every case in which the name of a naturalized alien is changed by order of court, as provided in section 6, the Clerk of the court is required to report both the original and the new name of the said person to the Bureau of Immigration and Naturalization (Division of Naturalization) when transmitting to it the duplicate of the certificate of naturalization of the alien whose name is changed.

**15. Monthly Report of Petition and Hearings.**—On the first working day of each month the Clerk shall inform the Bureau of Immigration and Naturalization (Division of Naturalization) on Form 2209 of the date of posting notice on Form 2206, as required by section 5, and of the day, month, and year, as near as may be, for the final hearing of each and every petition for naturalization filed and posted during the preceding month. These reports on Form 2209 must specify only the petitions filed in the month to which the report relates and no others. The specific dates of postponed hearings shall also be reported promptly on Form 2209, using a separate sheet, and in such continued cases notice on Form 2206 must be amended to show the postponed date and remain posted until final action is had.

**16. Monthly Report of Naturalizations Refused.**—On the first working day of each month following the sitting of a court in naturalization cases the Clerk of such court shall forward to the Bureau of Immigration and Naturalization (Division of Naturalization) on Form 2210 a list containing the name of each and every alien who, during such sitting of court, has been denied naturalization and shall state the reason or reasons for such denial.

**17. Issuance of Declarations of Intention or Certificates of Naturalization in Lieu of Declarations or Certificates Claimed to have Been Lost or Destroyed.**—Applications for the issuance of declarations of intention (Form 2203) or certificates of naturalization (Form 2207), in lieu of declarations of intention or certificates of naturalization claimed to have been lost or destroyed, shall be made under oath to the Clerk of the court by which any such declarations of intention or certificates of naturalization were originally issued, and shall contain full information in regard to the lost or destroyed papers, and as to the time, place, and circumstances of such alleged loss or destruction. The Clerk shall forward to the Bureau of Immigration and Naturalization (Division of Naturalization) the above-mentioned applications, together with such information as he may have bearing upon the merits thereof, for investigation, and no such paper so applied for shall be issued until the Bureau of Immigration and Naturalization (Division of Naturalization) reports the results of its investigation as to the merits of the application.

**Entry on Original Declaration Showing the Issuance of Certified Copy.**—In every case in which the Clerk of the court issues, in accordance with the foregoing, a declaration of intention (Form 2224) or a certificate of naturalization (Form 2207), upon proof of the loss or destruction of the original, he shall make an entry on the original declaration showing the issuance of a certified copy, or on the stubs of both the new and the old certificates of naturalization, showing



the issuance of a new certificate, giving the numbers of the new and old certificates, and shall immediately thereafter forward to the Bureau of Immigration and Naturalization (Division of Naturalization) the duplicate of any such paper so issued.

**Certified Copies of Declarations.**—Certified copies of declarations of intention (Form 2215) and certificates of naturalization (Form 2216) may be provided by Clerks of courts under their hand and the seal of the court out of which the papers originally issued, only for the use of persons who make entry upon public lands of the United States, and who are required to submit proof that they have declared their intention to become citizens, or have become naturalized. When issued these forms must be made in duplicate, one to be given to the person applying therefor and the duplicate forwarded with other naturalization papers on the first working day of the succeeding month to the Bureau of Immigration and Naturalization (Division of Naturalization). Unless the applicant presents to the Clerk his original declaration or certificate for comparison, these forms can under no conditions be issued.

**Fees for the Issuance of Copies.**—The fees to be collected for the issuance of each of the copies of declarations of intention and of certificates of naturalization described in this regulation, and the disposal to be made of such fees when collected, will be determined in accordance with the law and the rules in force in the respective courts. No part of these fees is required to be forwarded to this Department. Clerks are, however, required to make quarterly reports, on Form 2217, on the first working day of January, April, July, and October, of the number of such papers issued during the preceding quarter.

This rule applies exclusively to naturalization papers issued since September 26, 1906.

**18. Original Declarations Surrendered to General Land Office.**—Original declarations of intention, or certificates of naturalization, issued subsequent to September 26, 1906, and surrendered to the General Land Office in support of entries upon public land, may be returned upon proper application. In cases of declarations of intention the Clerk will forward the application to the Bureau of Immigration and Naturalization (Division of Naturalization), accompanied by a certified copy on Form 2215. In cases of certificates, the application will be accompanied by a personal description of the applicant. In both instances, a description of the land should be included, giving the section, township, and range, together with the date and place of making the entry. The originals will then be procured from the General Land Office and returned to the Clerk of the court.

**19. Affidavits of Substituted Witnesses.**—For recording the affidavits of substituted witnesses under section 5, of the act of June 29, 1906, blank forms (Form 2218) have been prepared as pasters to be affixed to the backs of petitions in the bound volume, following the "Order of court admitting petitioner." Copies of this form may be procured by the usual requisition (Form 2201).

**20. Aliens must Sign Names in Full.**—Aliens making declarations of intention, or filing petitions for naturalization, must sign their names in full and without abbreviation in the appropriate places on the various blank forms, and the entries of their names by the Clerk must correspond in every particular. Where a name contains an initial which is used only to distinguish one individual from another with the same surname that fact should be noted on the paper.

**21. Petitions from Other Aliens Than White Persons and Persons of African Nativity or Descent—Persons not Residing in Judicial District.**—Clerks of courts shall not receive declarations of intention (Form 2202) or file petitions for naturalization (Form 2204) from other aliens than white persons and persons of African nativity or of African descent, nor from persons not residing in the judicial district within which the court is held.

**22. Forwarding Duplicates to Department—Monthly Report.**—On the first working day of each and every month, and not otherwise, Clerks of courts shall forward to the Bureau of Immigration and Naturalization (Division of Naturalization) duplicates of all declarations of intention, petitions for naturalization, and certificates of naturalization filed or issued during the preceding month. Duplicate petitions for naturalization and duplicate certificates of naturalization shall be forwarded by registered mail; and duplicate declarations of intention as well as other papers may be inclosed therewith provided the combined weight of the documents does not exceed four pounds, otherwise they shall be forwarded separately by unregistered mail. The same course should be followed in forwarding naturalization papers to the Bureau which have been returned for correction. Each Clerk making a shipment of naturalization papers other than papers returned for correction is required to forward therewith a report on Form 2208 showing the number of such papers filed or issued during the month reported. Where petitions for naturalization have been filed the report on Form 2209 showing the approximate dates of final hearings shall also be inclosed with such shipment. When no naturalization business has been transacted during any month it is unnecessary to render monthly reports to that effect, but report should be made as prescribed in Rule 23.

**23. "Abstract of Collections"—Final Fee of Two Dollars.**—All fees provided for in section 13 of the act of June 29, 1906, shall be accounted for on the "Abstract of collections" (Form 2212) within thirty days after the close of each quarter of a fiscal year. These quarters end September 30th, December 31st, March 31st, and June 30th, respectively. One-half of all moneys so collected, up to \$6,000, and all in excess thereof, shall be remitted to the Chief of the Division of Naturalization, Bureau of Immigration and Naturalization, with said quarterly account, such remittance to be made payable to the order of the "Secretary of Commerce and Labor," preferably by draft. The Comptroller of the Treasury has decided that section 13 requires the collection of the final fee of \$2 whether the certificate of naturalization be issued or denied.

In cases where no naturalization business is transacted during any quarter, Form 2212 shall be forwarded as aforesaid with the words "No transactions" noted thereon.

**24. Honorably Discharged Soldier, Member of the Navy, or Member of the Marine Corps.**—An alien of the age of twenty-one years and upward may be admitted to become a citizen without making declaration of his intention if he has been honorably discharged from the armies of the United States, or after a service of five consecutive years in the United States Navy, or after one enlistment of four years in the United States Marine Corps. Clerks of courts, instead of giving the information regarding declarations of intention, should appropriately insert in lieu thereof on petition (Forms 2204 and 2205): "Petitioner is an honorably discharged (soldier, member of the Navy, or member of the Marine Corps) and makes application for citizenship under (section 2166, U. S. R. S., or act of July 26, 1894). He enlisted in the (name of organization) on the (day, month, and year)." In the last paragraph preceding the signature of the petitioner that portion of the sentence relating to the declaration of intention and certificate of arrival should be struck through when the alien arrived on or prior to June 29, 1906. When the arrival was after that date, only the words "my declaration of intention to become a citizen of the United States and" should be struck out. The statement following the signature of the petitioner to the body of the petition should be struck out entirely in cases of aliens arriving on or before June 29, 1906; but for those arriving after that date only the words "Declaration of Intention" should be struck out, and in both cases the entry in lieu thereof should be made "Honorable discharge certificate of petitioner was exhibited to me this .... day of ....." An appropriate note should also be entered upon the stub of the certificate issued to said applicant.

**Aliens Under Act of June 25, 1910.**—Certain aliens are permitted to petition for naturalization under the terms of the act of June 25, 1910, without proof of previous declaration of intention. Clerks of courts should state in lieu of the information regarding the declaration of intention "Filed under provisions of section 3 of the act of Congress approved June 25, 1910," and the statement following the first signature of the petitioner should be changed so as to read "Declaration of intention omitted under the terms of the act of June 25, 1910."

**25. Envelopes.**—So far as practicable the Clerks of courts having jurisdiction under the provisions of the naturalization laws will be furnished, upon requisition therefor on Form 2201, with appropriately addressed envelopes for communicating with the Bureau. When not using such envelopes, however, all communications, in addition to the other necessary address, should be plainly marked "Division of Naturalization."

**26. Instructions.**—Clerks of courts having jurisdiction to naturalize under the provisions of the act of June 29, 1906, are requested, in case the foregoing rules and regulations fail to remove from their minds doubt as to the proper course of action in any case, to write

tection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen. (R. S. 2174.)

**Naturalization of Chinese Prohibited.**—Hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. (Act of May 6, 1882.)

**Aliens Honorably Discharged from Service in Navy or Marine Corps.** Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps. (Act of July 6, 1894.)

**Certain Certificates of Naturalization Validated.**—Naturalization certificates issued after the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section 39 of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: *Provided*, that in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate. (34 Stats. at Large, 630.)

**Criminal Court of Cook County, Illinois.**—All the records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this act takes effect in or from the criminal court of Cook County, Illinois, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized. (34 Stats. at Large, 630.)

**Louisville City Court.**—All of the records relating to naturalization or declarations of intention to become citizens of the United States and all certificates of naturalization filed, recorded, or issued prior to an act to validate certain certificates of naturalization approved June 29, 1906, in or from the Louisville city court, sometimes called the Louisville police court, Kentucky, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized. (Act of August 24, 1912.)

**Forging, or Counterfeiting Certificate of Citizenship.**—Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. (35 Stats. at Large, 1088.)

**Engraving and Possession of Plates and Paper.**—Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. (35 Stats. at Large, 1088.)

**False Personations.**—Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. (35 Stats. at Large, 1088.)

**False Use of Certificate of Naturalization.**—Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or

antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. (35 Stats. at Large, 1088.)

**Use of Document Unlawfully Made.**—Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. (35 Stats. at Large, 1088.)

**Use of Certificate Granted by Fraud—False Representation as to Citizenship.**—Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than \$1,000, or imprisoned not more than two years, or both. (35 Stats. at Large, 1088.)

**Perjury.**—Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than \$1,000 and imprisoned not more than five years. (35 Stats. at Large, 1088.)

**Foregoing Proceedings Apply in All Courts.**—The provisions of the five sections last preceding shall apply to all proceedings had or taken.

or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. (35 Stats. at Large, 1088.)

## NATURALIZATION REGULATIONS.

**1. Naturalization Jurisdiction of State Courts.**—Since September 26, 1906, naturalization jurisdiction of State courts is confined to such as have “a seal, a Clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.”

**2. Alien Declaring Prior to September 27, 1906.**—Any alien who prior to September 27, 1906, has declared his intention in conformity with the law in force at the date of his declaration, shall not be required to renew such declaration.

**3. Aliens Declaring After June 29, 1906, and Prior to September 27, 1906.**—Aliens who lawfully declared their intention on and after June 29, 1906, and prior to September 27, 1906, must comply with all of the requirements of the naturalization act of June 29, 1906, in petitioning for naturalization.

**Aliens Declaring Prior to June 29, 1906.**—Aliens who declared their intention prior to June 29, 1906, in accordance with the requirements of law, must comply with all of the requirements of the naturalization act of June 29, 1906, in petitioning for naturalization, except that they will not be required to sign their petitions in their own handwriting, or to speak the English language.

**4. Alien Declaring After June 29, 1906.**—Any alien who declares his intention after June 29, 1906, and files his petition thereon, must sign said petition in his own handwriting, and must be able to speak the English language, unless excepted by the provisos in section 8 of the naturalization act. If an alien is physically unable to speak, that fact should be stated in his petition in lieu of the statement, “I am able to speak the English language.” Aliens who arrive in the United States before reaching eighteen years of age cannot obtain citizenship without making declaration of intention, which may be made at the place of their established residence after reaching that age.

**5. Blank Forms—“Facts for Declaration of Intention”—“Facts for Petition for Naturalization.”**—Blank forms “Facts for declaration of intention” (Form 2213) and “Facts for petition for naturalization” (Form 2214) are provided Clerks of courts for the preliminary use of persons making declaration of intention or petition for naturalization, and may be taken away from the office of the Clerk in order that the information called for may be obtained in full. When either of said forms is returned to the Clerk he shall examine it to see that all the information required is furnished before proceeding to make out a declaration or petition.

In all cases where aliens have arrived in this country after June 29, 1906, they should be given the form, “Application for certificate of arrival,” Form 2226, at the time they desire to file petitions for naturalization, instead of Form 2214. This application has attached to it

the facts required in a petition for naturalization. The application and other blanks on the form should all be carefully filled out by the alien and mailed to the Chief of the Division of Naturalization to enable him to obtain and transmit the required certificate of arrival to the Clerk of court for filing with the petition. The Clerk of the court should not commence the execution of the petition until he has received the certificate of arrival.

**6. Declarations of Intention Furnished in Bound Volumes.**—Declarations of intention will be furnished in bound volumes (Form 2202, 50 leaves; 2202A, 150 leaves; or 2202B, 250 leaves), as a court record, varied in number of pages according to the requirements of the court. In addition to the bound records, the duplicate and triplicate declarations of intention (Form 2203) will be furnished as loose sheets attached together and perforated, so that they can be readily torn apart, the triplicate to be given to the declarant and the duplicate to be forwarded to the Bureau of Immigration and Naturalization (Division of Naturalization). Each bound record will contain an index in addition to the original declarations of intention, and will be paged in consecutive order. At the time the original declarations of intention in the bound volumes are filled out and signed the names of the declarants must be entered in the index. The declarations shall be numbered consecutively, beginning with No. 1 in volume 1 and continuing the sequence from volume to volume.

**7. Originals of the Petitions for Naturalization.**—The originals of the petitions for naturalization will also be furnished in bound volumes (Form 2204, 100 leaves, or 2204B, 250 leaves) paged in consecutive order and provided with an index. The duplicate petitions (Form 2205) will be furnished as loose sheets, and when executed must be forwarded to the Bureau of Immigration and Naturalization (Division of Naturalization) by registered mail, as provided in Rule 22 of these regulations. The original petitions for naturalization in the bound volumes must be filled out and signed, the names of the petitioners entered in the index, and retained as part of the permanent records of the office in which filed. Petitions shall be numbered consecutively, beginning with No. 1 in volume 1 and continuing in order in the following volumes. The first petition in volume 2 must not be numbered "1," but shall receive the number following that given the last petition in volume 1.

**8. Certificates of Naturalization.**—Certificates of naturalization (Form 2207) will be supplied in bound volumes consisting of original and duplicate certificates and stubs. Each original and duplicate certificate and the stub will be given the same serial number, the stub to the original certificate bearing a page number in addition to its serial number. Each book will bear a volume number, and the volume number and page of the stub must be given on the face of the certificate. The original certificate will be given to the petitioner in accordance with the final order of the court, and the duplicate shall be forwarded to the Bureau of Immigration and Naturalization (Division of Naturalization) by registered mail, as provided in Rule 22 of these regulations, the stub to the original constituting a part



of the permanent records of the court. The bound volumes, containing the declarations, petitions, and certificates, constitute the "records," and dockets required by sections 6 and 14 of the naturalization act. The Department requires no other dockets to be kept.

**9. Certificate of Naturalization Issued After Judge has Signed Order.** No certificate of naturalization shall be issued to a petitioner until after the judge of the court granting naturalization has signed the order to that effect.

**10. Requisition Blanks.**—Clerks of courts will be furnished with requisition blanks (Form 2201) on which are listed, by number and title, all blank forms, including record and order books, to be used in the naturalization of aliens, and these forms must be obtained exclusively from the Department of Commerce and Labor (Division of Naturalization), none other being official. Manila envelopes or jackets (Form 2211) will be furnished to Clerks in which to place the triplicate declaration of intention or the original certificate of naturalization before delivering it to the person making the declaration or to the person naturalized.

**11. First Supply of Blank Forms—Certificate of Attorney General of State.**—The first supply of blank forms will be furnished upon the written application of the Clerks of courts having jurisdiction to naturalize aliens, accompanied, in the case of Clerks of State courts, by authoritative evidence (preferably the certificate of the Attorney General of the State) that the courts of which such Clerks are officers have "a seal, a Clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited." Subsequent supplies of such blank forms will be furnished the Clerks of courts having jurisdiction to naturalize aliens upon the receipt by the Bureau of Immigration and Naturalization (Division of Naturalization) of requisitions made on Form 2201.

**12. Application for Blank Forms.**—Clerks of courts when first making application to the Bureau of Immigration and Naturalization (Division of Naturalization) for the supplies of the blank forms required in the naturalization of aliens shall state whether any declarations of intention have been filed or orders of naturalization made by their courts since September 26, 1906.

All applications for supplies of certificates of naturalization (Form 2207) should be accompanied by a statement of the number, if any, of certificates of naturalization issued by the Clerks of courts making such applications since June 1, 1903, if such certificates failed to comply with the requirements of the immigration act of March 3, 1903.

**13. Where Same Court Holds Sessions at Different Places, Separate Supplies Kept.**—Where the same court holds sessions at different places, whether a Clerk is appointed at each of said places or the one Clerk is required to transact the business of the court wherever it may sit, separate supplies shall be kept, in order to comply with the requirements of section 14 of the naturalization act, which provides that the bound declarations of intention and of petitions for naturalization shall be in chronological order.

**14. Change of Name of Naturalized Alien.**—In every case in which the name of a naturalized alien is changed by order of court, as provided in section 6, the Clerk of the court is required to report both the original and the new name of the said person to the Bureau of Immigration and Naturalization (Division of Naturalization) when transmitting to it the duplicate of the certificate of naturalization of the alien whose name is changed.

**15. Monthly Report of Petition and Hearings.**—On the first working day of each month the Clerk shall inform the Bureau of Immigration and Naturalization (Division of Naturalization) on Form 2209 of the date of posting notice on Form 2206, as required by section 5, and of the day, month, and year, as near as may be, for the final hearing of each and every petition for naturalization filed and posted during the preceding month. These reports on Form 2209 must specify only the petitions filed in the month to which the report relates and no others. The specific dates of postponed hearings shall also be reported promptly on Form 2209, using a separate sheet, and in such continued cases notice on Form 2206 must be amended to show the postponed date and remain posted until final action is had.

**16. Monthly Report of Naturalizations Refused.**—On the first working day of each month following the sitting of a court in naturalization cases the Clerk of such court shall forward to the Bureau of Immigration and Naturalization (Division of Naturalization) on Form 2210 a list containing the name of each and every alien who, during such sitting of court, has been denied naturalization and shall state the reason or reasons for such denial.

**17. Issuance of Declarations of Intention or Certificates of Naturalization in Lieu of Declarations or Certificates Claimed to have Been Lost or Destroyed.**—Applications for the issuance of declarations of intention (Form 2203) or certificates of naturalization (Form 2207), in lieu of declarations of intention or certificates of naturalization claimed to have been lost or destroyed, shall be made under oath to the Clerk of the court by which any such declarations of intention or certificates of naturalization were originally issued, and shall contain full information in regard to the lost or destroyed papers, and as to the time, place, and circumstances of such alleged loss or destruction. The Clerk shall forward to the Bureau of Immigration and Naturalization (Division of Naturalization) the above-mentioned applications, together with such information as he may have bearing upon the merits thereof, for investigation, and no such paper so applied for shall be issued until the Bureau of Immigration and Naturalization (Division of Naturalization) reports the results of its investigation as to the merits of the application.

**Entry on Original Declaration Showing the Issuance of Certified Copy.**—In every case in which the Clerk of the court issues, in accordance with the foregoing, a declaration of intention (Form 2224) or a certificate of naturalization (Form 2207), upon proof of the loss or destruction of the original, he shall make an entry on the original declaration showing the issuance of a certified copy, or on the stubs of both the new and the old certificates of naturalization, showing

the issuance of a new certificate, giving the numbers of the new and old certificates, and shall immediately thereafter forward to the Bureau of Immigration and Naturalization (Division of Naturalization) the duplicate of any such paper so issued.

**Certified Copies of Declarations.**—Certified copies of declarations of intention (Form 2215) and certificates of naturalization (Form 2216) may be provided by Clerks of courts under their hand and the seal of the court out of which the papers originally issued, only for the use of persons who make entry upon public lands of the United States, and who are required to submit proof that they have declared their intention to become citizens, or have become naturalized. When issued these forms must be made in duplicate, one to be given to the person applying therefor and the duplicate forwarded with other naturalization papers on the first working day of the succeeding month to the Bureau of Immigration and Naturalization (Division of Naturalization). Unless the applicant presents to the Clerk his original declaration or certificate for comparison, these forms can under no conditions be issued.

**Fees for the Issuance of Copies.**—The fees to be collected for the issuance of each of the copies of declarations of intention and of certificates of naturalization described in this regulation, and the disposal to be made of such fees when collected, will be determined in accordance with the law and the rules in force in the respective courts. No part of these fees is required to be forwarded to this Department. Clerks are, however, required to make quarterly reports, on Form 2217, on the first working day of January, April, July, and October, of the number of such papers issued during the preceding quarter.

This rule applies exclusively to naturalization papers issued since September 26, 1906.

**18. Original Declarations Surrendered to General Land Office.**—Original declarations of intention, or certificates of naturalization, issued subsequent to September 26, 1906, and surrendered to the General Land Office in support of entries upon public land, may be returned upon proper application. In cases of declarations of intention the Clerk will forward the application to the Bureau of Immigration and Naturalization (Division of Naturalization), accompanied by a certified copy on Form 2215. In cases of certificates, the application will be accompanied by a personal description of the applicant. In both instances, a description of the land should be included, giving the section, township, and range, together with the date and place of making the entry. The originals will then be procured from the General Land Office and returned to the Clerk of the court.

**19. Affidavits of Substituted Witnesses.**—For recording the affidavits of substituted witnesses under section 5, of the act of June 29, 1906, blank forms (Form 2218) have been prepared as pasters to be affixed to the backs of petitions in the bound volume, following the "Order of court admitting petitioner." Copies of this form may be procured by the usual requisition (Form 2201).

## PATENTS.

(BY CARLOS P. GRIFFIN, Pacific Building, San Francisco.)

**Source of Patent Laws.**—The clause in the constitution is found in article 1, section 8, and is as follows: "Congress shall have power . . . to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Congress, in response to the suggestion here made, has enacted laws for the protection of the classes of persons here mentioned, and the great wisdom of the laws is seen in the advanced situation of this country with respect to others in the matter of manufactures. This country leads the world in such matters, and that nation we hear so much about just now as the coming nation of the east, the Japanese, when sending their scholars out over the world to find and adopt good ideas, adopted a patent system that is modeled on that of this country.

The principal enactment with which the inventor is concerned is contained in section 4886 of the Revised Statutes.

§ 4886. **Who may Patent.**—Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor.

It will be noticed that this clause of the patent laws is very broad, permitting any person whatsoever to obtain a patent, the only requisite being that he shall have invented, or discovered, something which falls into one of the classes of things established by it. It classifies them as an "art," "machine," "manufacture," or "composition of matter," and improvements thereon. Almost all things that human endeavor is directed toward the accomplishment of may be placed in one of these categories.

The actual granting of the patent lies in the power of the Patent Office, and the statute governing this is section 4888, Revised Statutes. It is as follows:

§ 4888. **Application.**—Before an inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and

in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor and attested by two witnesses.

This section gives the requisites of the specification, and shows that it is intended that the inventor must fully disclose to the Patent Office his full invention, in order that there may be a return to the nation for the right granted him.

Further regulations for the guidance of the Patent Office in what to require as a complete application are found in the following sections:

§ 4889. **Drawings.**—When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, and attested by two witnesses, which shall be filed in the Patent Office, and a copy of the drawing, to be furnished by the Patent Office shall be attached to the patent as a part of the specification.

§ 4890. **Specimens.**—When the invention or discovery is of a composition of matter, the applicant, if required by the commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment.

§ 4891. **Models.**—In all cases which admit of representation by model, the applicant, if required by the commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery.

§ 4892. **Oath.**—The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, charge d'affairs, consul or commercial agent holding commission under the government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of diplomatic or consular officer of the United States.

The last four sections of the statutes are intended to give the Patent Office the necessary power to require the filing of the proper kind of a drawing, and the filing of specimens, or models, when necessary to the understanding of a case. The last section is intended to give some of the parts of the oath the inventor must take to have his case completely filed.

What the duties of the commissioner of patents are when the application of the inventor has been filed are outlined in the following section of the statute:

§ 4893. **Examination.**—On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the alleged new invention or discovery; and if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the Commissioner shall issue a patent therefor.

This is the secret of the success of our patent system over that of some other countries. This examination that the Commissioner is empowered to make gives the granted patent a very strong ground to stand on; for any application that can run the gauntlet of this examination is pretty sure to have many features that are not found in any other thing of its kind. The courts construe this to be sufficient to raise a presumption of the validity of the patent upon its mere production.

Just what is granted to the inventor is shown in the following section of statutes:

§ 4884. **Contents of Patent.**—Every patent shall contain a short title of description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use and vend the invention or discovery throughout the United States and territories thereof, referring to the specifications for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

This section gives to the inventor the exclusive right to his invention or discovery for the term of seventeen years, and, in case of his death, it passes the right on to his heirs.

Since what a thing is worth is determined by its salability, the patent laws give such salability to patents in several sections enacted for that express purpose. They are, including the one above:

§ 4895. **Assignment.**—Patents may be granted and issued or re-issued to the assignee of the inventor or discoverer; but the assignment must first be entered of record in the Patent Office. And in all cases of an application by an assignee for the issue of a patent, the application shall be made and the specification sworn to by the inventor or discoverer; and in all cases of an application for a reissue of any patent, the application must be made and the corrected specification be signed by the inventor or discoverer, if he is living, unless the patent was issued and the assignment made before the eighth day of July, 1870.

If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of the United States Circuit Court, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section seventeen hundred and fifty of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such

notary or other officer, shall be *prima facie* evidence of the execution of such assignment, grant or conveyance.

§ 4898. **Recordation of Assignment.**—Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof.

This clause gives the mode of assignment of the patent, and provides the means by which the sale shall be evidenced, making it the valuable thing that it is.

In order that the Commissioner may expeditiously conduct the affairs of his office, the statutes provide that he may promulgate "Rules" for the conduct of the business therein.

The section of the statutes giving the Commissioner the power to regulate matters in his office, within the enactment of the laws, is:

§ 4883. **Rules.**—The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may from time to time establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

The patentee is not given the right to his patent without restrictions of any kind, for the public is entitled to have some notice that he is the exclusive owner of the ideas that are presented in the patent, before it is liable to him for the infringement of his rights. The section that shows him his duties to the public is as follows:

§ 4900. **Duty of Patentee.**—It shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented.

The complement of this section is found in the section below, which provides a heavy penalty for the unauthorized use of the word "patented," or anything that simulates it in any way. The section is:

§ 4901. **Fraudulent Use of Word "Patented" etc.**—Every person who, in any manner, marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or imitation of the name of any person who has obtained a patent therefor, without the consent of such patentee, or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any such patented article the word "patent" or "patentee," or the words "letters pat-

ent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any unpatented article the word "patent" or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offense, to a penalty of not less than one hundred dollars, with costs; one-half of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any District Court of the United States within whose jurisdiction such offense may have been committed.

§ 4919. **Damages.**—Damages for the infringement of any patent may be recovered by action on the case, in the name of the party interested either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

It sometimes happens that a mistake has been made in the prosecution of an application for patent, and through no fault of the inventor he has little or nothing secured to him when he should have secured much broader protection for his invention. Such mistakes are cured by means of what is called a "reissue" of his patent, the necessary claims being added to the reissue. The reissue is not entitled to have anything new added to it, nor does it increase the term of the patent, but it often does give added protection, which should have been given the inventor in the first place.

The enactment of the statute is:

§ 4916. **Reissue.**—Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in case of his death or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters patent. The specifications and claim in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so issued, together with the corrected specifications, shall have the same effect and operation in law, on the trial of all actions



for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawing be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

A further advantage is afforded the inventor in that he may have used his invention in some foreign country, but if it has not been patented or described in a printed publication in that country he may still have a patent granted to him in this country. The section of the law is:

**§ 4923. Previous Use in Foreign Country.**—Whenever it appears that a patentee, at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented or described in a printed publication.

Growing out of the various laws relating to the patent system is a large amount of litigation over the rights of inventors, and to apply the laws to the given conditions is the duty of the courts. In their exercise of this duty they make many statements about the patent law in their decisions, which statements become as much the law of the patent system as the enactments themselves, or at least they are as much the law as that until a higher court overrules them, or until a statute is enacted which does the same thing. Many decisions are of very great interest, not only to the legal profession, but to the inventor as well, since they give the inventor an idea of what is required of him better than he can obtain from the rigid language of the statute.

### DIGEST.

A short digest of the various points relating to the patent law is here appended.

**Abandonment.**—The law requires and favors diligence in prosecuting the claims to an exclusive right, and an inventor cannot, without cause, hold his application pending during a long period of years, leaving the public uncertain whether he ever intends to prosecute it, and keeping the field of his invention closed against other inventors.

An application must be completed within one year from the time of filing the petition, and action must be taken on any letter from the Patent Office within one year of the mailing thereof, or the application becomes abandoned.

Mere delay, after invention made, works no forfeiture of right.

Abandonment by inventor is rarely presumed.

Forfeitures and abandonments are not favored.

Acquiescence in the public use of the invention is abandonment of the invention and of the patent.

**Aggregation.**—The mere aggregation of two things is not patentable.

A patent for an aggregation of parts which have no common function is void for want of invention.

An aggregation of devices, each of which is old, so that each works out its own effect, without the production of something new from the co-operation of the devices, is not patentable.

A series of old devices may be patentable, if by their combination a new result is effected.

**Applications.**—The description is sufficient when a skilled mechanic can construct the machine from it.

An amendment to the application cannot introduce matter not in the case originally.

An application for a joint patent must be made by all the joint inventors.

The specification is always open to amendment and to the addition of new matter of description and claims, within the scope of the case as originally filed.

Where there is no abandonment of a first application subsequent ones relate back to it.

A machine and the process of using it may be included in one application where they cannot be considered as separate things.

A rejected application is no publication and is not a bar to the grant of a patent.

A new and useful art may be patented.

Copies of applications may be had from the Patent Office only by persons who are parties to the record, except that the inventor may consent to the furnishing of such copies.

**Assignment.**—An assignment requires no special form, but must clearly identify the case to which it refers, and must be in writing.

Inventions may be assigned before they are patented.

A full assignment of the patent by the inventor gives to the assignee the whole benefit of the invention, including the original and any extended term.

Damage for infringement may be recovered, even though the plaintiff has parted with his interest at the time the suit is brought.

An assignment of the entire right in the patent for a particular part of the country may be made.

An assignment of the patent may be made by the administrators of a deceased inventor.

An assignment, grant, or conveyance is void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof.

An assignment of an unpatented invention which does not contain a request that the patent issue to the assignee does not convey legal title to the patent.

A patent cannot issue to the assignee unless the assignment contains a request to that effect and is duly recorded.

An unrecorded assignment is valid against the assignor.

The record of an assignment, whenever made, is notice to a subsequent purchaser.

An assignment of a patent covering all modifications and reissues of the same does not cover a later machine doing the same thing by different means.

Since any person may obtain a patent, any person may assign it, but minors must do so by guardian.

An assignment of all the property of an inventor does not include a patent right, if it excepts property legally exempt.

A right of action for damages for past infringement may be assigned.

An assignee may maintain a suit for infringement, but his assignment must first be of record.

The inventor cannot affect assignee's right by an unauthorized re-issue.

A licensee is estopped to deny the validity of the patent as against the patentee.

A statute requiring a note to bear the words, "Given for a patent right," when such is the case, is unconstitutional.

An assignee can sue in his own name for the infringement of his exclusive right.

A trustee in insolvency does not, by virtue of the appointment as trustee, acquire the patent rights of the insolvent person.

**Claims.**—A combination claim does not cover the elements separately.

A claim so expansive as to include all previous and future inventions for the same purpose is invalid.

The first inventor in the field is entitled to have his claims construed broadly.

A claim for an effect or a function cannot be sustained; it must contain the means by which the result is attained.

A claim must be either to the physical structure, a combination of devices, or to a method of operation.

The court should, if possible, construe the claims to sustain the patent.

A claim should be construed liberally, but it must be limited by the state of the art at the time the application was filed.

The whole specification should be consulted in construing a claim.

A patentee is limited to his claim.

A patentee is bound by his claim.

Our law requires the patentee to specify what he considers to be new, and if he claims a combination of elements each one is material.

The claim is an attempt, on the part of the inventor, to describe the very thing that he has invented and for which he seeks a patent.

The office of the claim is to define the limits of the thing patented by the inventor.

A patentee takes no more than he has claimed, and a failure to claim raises a presumption of abandonment.

**Combination.**—Where a patent is for a combination simply, it is a presumption that all the elements are old.

A new combination of old devices is patentable, but the useful result must be the result of the combination.

The combination is to be regarded as a unit.

Combinations must be maintained as entireties.

To eliminate what is a plainly declared element of a combination is beyond the power of judicial construction.

Proof of want of novelty must go to the entire combination as a unit, not to elements.

To establish novelty it is not necessary to establish the novelty of all the parts.

A patent for a combination which proves inoperative is void.

A new combination of old elements is patentable when it produces a new result.

To infringe a combination every element must be used.

**Composition of Matter.**—A new composition of matter is patentable if useful.

The omission of an ingredient, before believed to be essential, is patentable.

If substantially the same substance is made by a new process, it is still an infringement of the old one, if patented.

**Copyrights.**—There was no common-law copyright.

The author of a dramatic composition does not abandon it by causing it to be acted for his benefit.

Property in a manuscript does not depend on the intention or will of the author as to publication.

A chart consisting of a single sheet of paper may be a "book," within the meaning of the copyright laws.

Strict compliance with the law is required to perfect a copyright.

**Date of Invention.**—The date of invention is the date of the discovery of the principle involved and the attempt to embody it in a machine.

In the absence of other proof, the date of invention will be considered to be the date of the application for patent.

Reduction to practice is the embodiment of the idea in some distinct form, capable of attaining the result.

Drawings and sketches made before filing of an application for patent may be used to show invention before that time.

**Designs.**—Appearance and not utility controls the issue of a design.

Substantial identity to a casual observer causes infringement of a design patent.

Design patents are subject to the general principles of mechanical patents, as to construction.

It is not necessary that the design be copied in every particular for it to infringe the patent.

The mottled appearance of enameled ware was held not patentable.

**Employer and Employee.**—Persons are not deprived of their rights to their inventions while in the employment of others, unless they have been hired and paid for that purpose.

An inventor under a contract with an employer to make improvements in certain machines is not bound to give other improvements made after his contract had expired.

A government workman cannot be held liable in a court of the United States for doing work that is an infringement of a patent.

An employee may be enjoined from disclosing the secret invention of his employer.

An assignment of inventions may be made to an employer in advance of their invention.

A patent to one of two partners is not partnership property. If one person furnishes the money and the other does the work, they cannot obtain a joint patent.

**Equivalent.**—The word "equivalent" has two meanings—the results, and the mechanism by which the results are produced.

An equivalent of any substance is one that will produce similar results and which has similar properties.

In a patent for a combination the use of equivalents, known at the date of the patent, may be excluded.

The inventor of a new combination is entitled to the benefit of mechanical equivalents known at the time of his invention, if used in the same combination.

A mechanical equivalent is a device which performs substantially the same result by substantially the same mechanical means.

**Evidence.**—Where a witness testifies, after a patent has become valuable, that on some particular occasion, long ago, he suggested the idea to the patentee, the testimony should be received with hesitation.

Models and drawings may be introduced in evidence.

The file contents and application record are evidence of a patentee's intention in construing his patent.

It is the highest evidence possible of patentability that a machine produces an article with a great economy of time and labor.

**Experiments.**—A mere principle or idea, until it assumes practical form, is not patentable.

Crude and imperfect experiments are not sufficient to confer a patent right.

Prior imperfect contrivances will not defeat the novelty of an invention.

An abandoned experiment will not defeat a patent.

The fact that a preceding device made no impression on the trade and was not a practical success is an indication of an abandoned experiment.

An abandoned experiment does not constitute an infringement on which an injunction will be granted.

**Fees.**—Rule 202. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance. . . . For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner.

Rule 208. Money paid by actual mistake . . . . will be refunded, but a mere change of purpose after payment . . . . will not entitle a party to demand such return.

**Improvements.**—A new idea ingrafted on an old conception is patentable.

An inventor may patent an improvement on his own invention.

The addition of a useless appendage does not defeat the charge of infringement.

A patented improvement does not confer the right to use the original invention.

An improvement on a patented process does not give a right to use the latter.

A patented improvement does not of itself give the right to use the thing improved.

An improver cannot use the thing improved without a license, if it is patented.

An improver who infringes is liable therefor, even though he has obtained a patent.

**Infringement.**—Infringement involves substantial identity.

To infringe it is not necessary that the patent be copied in every particular, if the parts are substantially the same it is sufficient.

A better result will not avoid infringement where the means used is substantially the same.

If a patented invention is not operative, it cannot be infringed by one that is.

An article incapable of performing the functions of a patented device cannot be an infringement. A device which may be forced to operate like the patented device is not an infringement if such use is not an object of construction.

To make a patented article in order to experiment with it as a basis for proposed improvement by the maker is not infringement.

Infringement is not a question whether one machine does as well as another that is patented, but whether its principle or combination is the same.

A patent for several improvements is infringed by the use of one of those improvements.

The same result obtained by other means than those of the patent is not an infringement.

A difference of form or size will not avoid infringement.

An infringement may be committed by the use, after a patent issues, of a device constructed before the issue of the patent.

A patentee is estopped from denying the validity of the patent in a suit for infringement brought against him by his assignee.

To make for use in order to see whether the use will be profitable, and using for that purpose, is infringement.

The possession of infringing articles bought for use, but not yet used, is an infringement.

There may be an infringement though the infringer does not know of the patent.

A sale of an infringing device by an agent is an infringement by the principal.

Any party making profits by an infringement is a wrongdoer and is liable to the patentee.

One who licenses others to use certain improvements of his own does not infringe the original patent improved upon.

The use of an infringing device is not justified by the fact that the patentee failed for some years to manufacture his device.

Nor by the refusal of the patentee to furnish his device when required.

No infringement can be committed before the issue of the patent.

A patent does not give the right to sell in foreign countries exclusively, but the patentee may reserve the right to make and sell for export to himself.

Infringement consists in the making, using or selling a patented machine.

It is an infringement to make a patented article, even if it is never used.

Where a machine is licensed for a particular territory it is not lawful to remove it to some other place.

The infringement of a patent is a tort, i. e., a private wrong.

Parties actually making an infringing machine may be held liable, even though employed by a third party.

A person who sells an infringing machine for another may be enjoined, even though he has no interest in it himself.

**Injunctions.**—A bond may be taken where the infringer is able to pay damages.

There is no fixed rule as to what term will entitle the patentee to a preliminary injunction.

Long public acquiescence in an inventor's right is sufficient to warrant a preliminary injunction where the infringement is clear.

A preliminary injunction will not be granted on an insufficient or defective specification.

A preliminary injunction will not be granted where on the same proofs final relief would be denied.

Where infringement is doubtful a preliminary injunction will be refused.

The court will not decide doubtful questions on a motion for a preliminary injunction.

It is no objection to a motion for an injunction that a jury has not passed on the case.

The right of granting an injunction lies in the sound discretion of the court.

An injunction may be granted against a licensee if he does not act within his license.

**Interferences.**—An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention. Rule 93.

The party whose application was last to be filed has the burden of proof as to date of invention.

The Patent Office must determine that a given invention is patentable before it declares an interference.

**Invention.**—"Invention" in the patent law is the finding out, contriving, devising or creating something new and useful which did not exist before, by an operation of the intellect.

Invention may consist in the application of old elements to a new use.

Substitution of a new element in an old combination involves invention.

A simple change in position which others failed to discover, and which avoided a grave defect, constitutes a patentable invention.

Any change in position of old elements, whereby new and better results are attained, is patentable.

Rearranging an old machine so as to dispense with certain expensive parts, whereby it is simplified, is invention.

Where a difference in form is productive of new and useful results, it is patentable.

It is of no consequence to the validity of a patent how much, or how little, labor or study the invention cost.

It is no objection to the validity of a patent that the combination appears simple.

Invention appearing, the law does not attempt to measure its degree.

Mere change of form does not amount to invention.

That a device has gone into general use, displacing all others, is evidence of its patentability.

To make in a single casting what has been before made in parts is not invention.

To provide a machine with wheels to make it portable is not invention.

A patent cannot embrace more than one invention.

Distinct improvements in one machine may be embodied in one patent.



The burden of proving prior invention or use is on the person seeking to have the patent declared void.

A product cannot be embraced in a claim for the process.

To entitle a person to a patent, he must be the original and first inventor of the thing sought to be patented.

Of two inventors of the same thing, the first only is entitled to a patent.

The fact that a person has an idea in his head, or has sketched it, does not make him the first inventor; he must proceed with it and reduce it to practice.

Where the money to experiment is furnished by one person to another, both cannot obtain a joint patent, but an assignment may be made.

**Jurisdiction.**—Decisions of the patent office do not bind the courts.

The federal courts have jurisdiction of cases where the validity of the patent is questioned.

The State courts have jurisdiction of contracts relating to patents where the validity of the patent is not questioned, where the parties reside in the same State.

A State cannot tax a patent, but may tax the income from it.

United States courts are empowered to take up a patent and decide any question in relation to it without regard to a jury.

The patent laws have no effect outside the United States; except that they are of force in certain of the possessions of the United States.

The court cannot correct mistakes in a patent; it merely construes what is in the patent.

**License.**—A license to manufacture at a certain place is personal and not transferable.

A patentee may forfeit his right to a patent by permitting others to use the invention before the patent is granted.

A conveyance of the right to make and sell the invention includes the right to use it.

A license to use one machine does not give the right to use two, even though both were never in use at the same time.

A license may be granted before the issuance of the patent.

A personal license granted for a certain period will expire at the death of the licensee unless also granted to his assignees.

A license to a partnership is not affected by a change of members in the firm.

A license to manufacture "at their shop" in a place described is not transferable.

A license to use "at his own establishment" does not cover a use at a shop owned by himself and others.

A license to use a device on a certain railroad does not carry the right to use the device on the cars of the licensee over whatever railroad they may be run.

A license to a railroad company to use a patented device on their road extends no further than the road was built and used by it at the time the license was given, the use on roads built or leased afterward not being protected.

A license "to use to the extent of one machine" includes the right to make for such use and to repair indefinitely.

The words "licensed to use only" if stamped on an invention are notice that it is used under such a license and that the license expires on its first use.

A license is estopped from denying the validity of the patent.

Licenses are not required to be in writing, nor is the amount of the license fee required to be in writing.

A State may refuse a license to be taken out to use an article, and the fact that it is patented will not defeat this right.

A licensee who fails to comply with the terms of his license may be enjoined as an infringer.

A party who is a mere licensee cannot maintain a suit for infringement in his own name.

**Marking "Patented."**—The law makes it the duty of the manufacturer to give the public notice of the patent by marking the articles, or the packages containing them, with the word "patented," or with words of similar import.

Under the law, the patentee can recover nothing for infringements unless he has marked the articles as above, unless he shows that he had notified the defendant.

Prior to the grant of the patent, the inventor may mark articles made in accordance with the invention "Patent applied for."

If articles are marked "Patented" illegally, the law allows any person to sue for a penalty of \$100, one-half of which goes to the use of the United States.

**Patentability.**—A combination made by inserting in a groove at the end of a lead pencil, an eraser, so that one end may be used to write with and the other to erase with, is not patentable. There is no new result, no joint operation.

In the case of doubt as to invention, it will be congenial to the policy of the law to grant the petitioner his patent.

The patentability of an invention is, in many cases, best shown by its utility.

Placing an old apparatus in a new location on a machine is not sufficient to support a patent.

The mere function of a machine is not patentable.

New contrivances applied to old objects are patentable.

The statutes do not require inventions to be superior to or better than all others of their kind to be patentable.

An old process used under new conditions and producing new results is patentable.

**Process.**—A process and an apparatus may be related and may approach each other so nearly that it will be difficult to distinguish the process from the function of the machine.

When a process and an apparatus are so related as to constitute a single unitary invention, they may be claimed in a single application.

A process and its product may be claimed in a single case, where they are so closely related as to be indivisible.

A patentee is not bound by his theory of the operation of a process, if it happens to be different.

In the language of the patent law, a process is an "art."

Though the product may not be new, the process by which it is made may be.

An inventor may obtain a patent for a process and another for the product.

**Public Use.**—Secret use will not invalidate a patent. In the patent law, "Public Use" is proved by a single use by any person, not the inventor, or by the inventor, if the use was not experimental.

The law permits an inventor to construct a machine and place it in friendly hands for the purpose of testing it, and if the use is strictly for that purpose the right of the inventor remains unimpaired.

Experimental use in public will not impair an inventor's rights, even though for more than two years.

Prior use in a foreign country will not invalidate a patent, but the patentee must be the original inventor.

To invalidate a patent, two years' public use must be clearly proved beyond a doubt, and the machine must be a practical and operative invention.

The burden of proof is on the party who sets up the defense of "Public Use."

The making of a machine without using it is not public use.

**Reissues.**—**Rule 85.** A reissue is granted . . . . when the original patent is inoperative or invalid by reason of a defective or insufficient specification, or by reason of the patentee claiming as new more than he had a right to claim as new, provided the error has arisen through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention.

A reissue after two years will not be granted unless special circumstances are present, but a reissue to narrow the claims will be granted after a lapse of any number of years.

A claim rejected and canceled in the original application cannot be reinstated in a reissue.

If the application for a reissue is refused, the original patent remains precisely as it was before the reissue application was made.

Insufficiency of claim is such inoperativeness as will sustain a reissue.

The reissue does not extend the term of the original patent.

**Reduction to Practice.**—This expression does not mean bringing the invention into actual use, but simply reducing it to such form that it may be used and is not mere theory.

An inventor has reduced his invention to practice when he has described it upon paper, with such drawings as will enable any person skilled in the art to make and use it, but he is not obliged to furnish drawings till he makes application for a patent.

When an inventor has complied with the law by filing an application for a patent fully describing his invention, the application being verified by an oath, he has reduced the invention to practice for the purpose of obtaining a patent.

Putting into use generally is strong evidence of a reduction to practice.

**Trademarks.**—A trademark is a symbol or device used by a manufacturer or a merchant to distinguish the products, manufactures, or merchandise which he produces, or sells, from that of others, and must not be descriptive.

Words, devices, or even a name in certain cases, may be adopted as a trademark.

The office of a trademark is to point out the origin or ownership of the article to which it is affixed.

A trademark is a mark without any special meaning.

The following have been held to be valid trademarks: "Celluloid," "Cottolene," "Cuticura," "Flinch," "Pigs in Clover," "Uneda."

The following have been held to be invalid trademarks: Best Soap, Borax Soap, Chill Stop, Fitmeeasy, Gold Leaf Flour, Malted Milk, Prime Leaf Lard, Steel Shod Shoes, Taffy Tolu.

A trademark is the sign of the goodwill or reputation of a business.

The right of property of a person in a trademark will be protected by the courts irrespective of fraud or intent of the infringer.

To be covered by a single trademark the goods must be of substantially the same character.

A sign or label must be used by a proprietor in good faith, so as not to deceive the public, to receive the protection of the courts.

The courts take a liberal view of the construction of representations made concerning goods, and are not disposed to give them their strictest interpretation.

A person may not designate a thing with his own name in order to deceive the public into thinking it is the goods of another of that name.

The Singer sewing-machine became known to the trade by that name, and when the patent expired it was held that the use of that name became public.

The various fees of the Patent Office are as follows:

Each original application for patent.....	\$15 00
Issuing each original patent.....	20 00
Design patent 3½ years.....	10 00
Design patent 7 years.....	15 00
Design patent 14 years.....	30 00
Trademark application.....	10 00

Print or label.....	6 00
Each reissue application.....	30 00
Filing caveat.....	10 00
Appeal to examiners-in-chief.....	10 00
Appeal to the commissioner.....	20 00

### COPYRIGHTS.

Copyrights are granted by the United States for the term of twenty-eight years, and may be renewed for a term of fourteen years, to any citizen of the United States or resident therein, who shall be the author, inventor, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, photograph or negative thereof, or of a painting, drawing, chromo, statue, model, or design not intended for use as a trademark or label.

The total cost of a copyright is \$5.

### FOREIGN PATENTS.

The attention of inventors is called to the ever-widening field for the manufactures of this country in foreign markets, and to properly place your goods in these fields it is necessary that you have them protected there. Any goods placed in a foreign market without restrictions of any kind will be sure to bring you nothing more than discouragements unless you have them patented. No sooner does a good machine appear in these markets than the manufacturers at once try to pirate it, unless there is a patent on it in the given country, and in many of them the requirements are not as severe as in the United States, so that unless the invention is protected in that country there will be little profit in introducing the invention there.

The entire charges for foreign patents run from \$50.00 for a Canadian patent to \$250 for some of the South American countries, and the average for foreign patents will be about the same as the total charges for a United States patent. The terms of foreign patents vary for different countries. In Great Britain the term is fourteen years, while in Mexico the term is twenty years, and a few other countries allow the patent to run as long as twenty years. In addition to the preliminary fee, many of the countries require a payment of some kind in the nature of a tax each year, but this is not a serious matter, if the invention proves to be worth anything at all. In Japan the fees of the government are \$5 for the first filing of the case and \$5 for each year thereafter with an increase of \$2.50 for each period of three years, and the total time the patent is allowed to run is fifteen years. This Japanese system, it may be remarked, is substantially the same as our own, as regards the working of the laws.

The following table gives the cost of foreign patents in a number of the foreign countries and is intended to cover the more simple cases. The charges are for the government fee and the attorney fee.

Australia .....	14 years.....	\$110
Austria .....	15 years.....	90
Belgium .....	20 years.....	40
Canada .....	18 years.....	50
Denmark .....	15 years.....	75
France .....	14 years.....	85
Great Britain .....	14 years.....	90
Germany .....	15 years.....	90
Hungary .....	15 years.....	80
India .....	14 years.....	80
Italy .....	15 years.....	80
Japan .....	15 years.....	95
Mexico .....	20 years.....	90
New Zealand .....	14 years.....	85
Norway .....	15 years.....	75
Portugal .....	15 years.....	65
Russia .....	15 years.....	110

**Working Foreign Patents.**—An important feature of many of the foreign patent laws is that they require the patentee, or someone for him, to work the invention to retain his right to the exclusive practice of it. Unless the patent is thus kept in use the grant becomes void.

Another feature of the foreign patent systems of several countries is that any public knowledge of the patent in this country will invalidate the patent in that country. In all cases where it is contemplated to file applications in countries abroad it is better to file the application in those countries before any public knowledge of the invention is allowed to be disseminated here.

**International Union for the Protection of Industrial Property.**—This union comprises the following named countries, and is for the purpose of better protecting the rights of inventors in those countries: Australia, Austria, Belgium, Brazil, Ceylon, Cuba, Denmark, Dominican Republic, Dutch Indies, France, Germany, Great Britain, Hungary, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Portugal, Spain, Surinam, Sweden, Switzerland, Trinidad, Tunis, and the United States of America. Any person filing an application for a patent in the United States may within twelve months file an application in any one of these countries and the date will relate back to the date of filing in the United States. In such cases acts which would have invalidated the patent in these countries must have occurred before the filing of the application in the United States.

## ARMY AND NAVY PENSIONS.

### APPLICATIONS AND ATTORNEYS.

**Fees of Attorney for Prosecuting Claims—Fees not Paid in Certain Cases to be Deducted from Pension.**—No agent or attorney or other person shall demand or receive any other compensation for his service in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such pension or bounty land claim shall be allowed: Provided, that in all claims allowed since June 20th, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of ten dollars, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney.

**Agreement for Amount of Fee to be Filed—Fee in Case of Failure to File Agreement—Articles of Agreement, etc., Recognized in Certain Claims Only—Fee for Bounty Land, etc.—No Fee Allowed for Arrears of Pension, etc.**—The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified to by some officer competent to administer oaths. In all cases where application is made for pension or bounty land, and no agreement is filed with the commissioner as herein provided, the fee shall be ten dollars and no more. And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized, except in claims for original pensions, claims for increase of pension on account of a new disability, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension-rolls on testimony taken by a special examiner, showing that the disability or cause of death on account of which the pension was allowed did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be dropped from the rolls on like testimony, upon the ground of nondependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them: Provided, that no greater fee than ten dollars shall be demanded, received, or allowed in any claim for pension or bounty land granted by special act of Congress, nor in any claim for increase of pension on account of the disability for which the pension had been allowed: And provided further, that no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension or of increase of pension, may be allowed.

**Form of Articles of Agreement.**—The articles of agreement herein provided for shall be in substance as follows, to wit:

### ARTICLES OF AGREEMENT.

Whereas I, ....., late a ..... in Company ..... of the ..... regiment of ..... volunteers, war of eighteen hundred and sixty-one (or, if the service be different, here state the same), having made application for pension under the laws of the United States:

Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, ..... of ....., the fee of ..... dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney (or attorneys), in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him (or them) in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes.

(Claimant's signature.)

(Two witnesses' signatures.)

.....  
.....

State of .....

County of.....,—ss.

Be it known that on this, the .... day of ....., Anno Domini ....., personally appeared the above-named ....., who, after having had read over to....., in the hearing and presence of the two attesting witnesses the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be ..... free act and deed.

(Official signature,) .....

And now, to wit, this .... day of ....., Anno Domini eighteen

And now, to wit, this .... day of ....., Anno Domini ....., I (or we) accept the provisions contained in the foregoing articles of agreement, and will, to the best of my (or our) ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my (or our) hand, the day and year first above written.

(Signature of attorney.) .....

State of .....

County of.....,—ss.

Personally came ....., whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be ..... free act and deed.

(Official signature.) .....

**Amount Paid, etc., to be Deducted from Fee.**—And if in the adjudication of any claim for pension in which such articles of agreement have been, or may hereafter be, filed, it shall appear that the claimant had,



prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of ten dollars allowed by law such sum as claimant shall show that he has paid to his said attorney.

**Penalty for Violation of Act Relating to Fees or Compensation.**—Any agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

**Secretary of Interior to Prescribe Rules for Government of Agents, etc., in Prosecution of Claims.**—That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

**Commissioner of Pensions may Reject Contracts for Fees, etc.**—The commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, herein provided for, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract.

**TABLE OF ATTORNEY FEES.****ALLOWED BY LAW.**

In original claims allowed under—

All general laws (except act June 27, 1890, act April 19, 1908, and such acts as do not provide for payment of a fee), sec. 4, act July 4, 1884, authorizes a fee—

On properly executed articles of agreement, any amount contracted for, not exceeding.....	\$25 00
Without articles of agreement.....	10 00
Act June 27, 1890 (sec. 4 of said act).....	10 00
Act April 19, 1908 (sec. 2 of said act).....	10 00

Supplemental claims—

To allow for child by former marriage if filed by new attorney .....	10 00
To allow for helpless child—	
If named in original application, but new attorney presents claim.....	10 00
If not so named, whether supplemental claim be filed by new or original attorney.....	10 00
To allow for posthumous child, born after filing claim, unless expressly exempted by mutual agreement between claimant and attorney.....	10 00
Rerating or reissue to correct rate or date of commencement, if filed by new attorney (11 P. D. 202).....	10 00
Reduction in rate of pension, for services rendered in preventing (Secretary's decision, Dec. 27, 1900, case of Charles Hebel, certificate No. 113,168).....	10 00
Dropping pensioner's name from roll, for services rendered in preventing (9 P. D. 236).....	10 00
Renewal, restoration, removal of suspension, etc., "cases of difficulty and trouble" (sec. 4, act July 4, 1884), commissioner may recognize articles of agreement for not exceeding (8 P. D. 182).....	25 00

Restoration—

Dropped for loss of title on testimony taken by a special examiner showing that the disability or cause of death on account of which pension was allowed did not originate in line of duty, and in cases of dependent relatives whose names were dropped, on like testimony, upon the ground of nondependence (act July 4, 1884)—

In claims under all general laws (except act June 27, 1890, act April 19, 1908, and such acts as do not provide for payment of a fee)—

On properly executed articles of agreement, any amount contracted for, not exceeding .....	25 00
Without articles of agreement.....	10 00

Under act June 27, 1890. ....	\$10 00
Under act April 19, 1908. ....	10 00
Where dropped under sec. 4719, R. S. (4 P. D. 405). ....	10 00
<b>Increase claims—</b>	
Mexican War, Jan. 5, 1893, and amendatory acts, in which fee was not paid prior to September 20, 1902 (12 P. D. 505). . . .	10 00
In cases where increase is granted because of increase of the disability for which pension was originally allowed (act March 3, 1891). ....	2 00

**NOT PAYABLE ON ORDER OF COMMISSIONER OF PENSIONS, BUT A MATTER OF CONTRACT BETWEEN CLAIMANT AND ATTORNEY, SUBJECTING THE LATTER TO DISCIPLINARY PROCEEDINGS IN THE EVENT OF EXTORTION OR UNREASONABLENESS.**

Accrued pensions, act March 2, 1895, due deceased pensioners (rule 26, practice): Attorney may collect 10 per cent of accrued pension paid, but fee must not exceed. ....	10 00
Divided pensions, act March 3, 1899 (10 P. D. 403): Attorney may collect reasonable fee, and in absence of abuse or misconduct on his part justifying disbarment, Commissioner of Pensions has no authority.	

**CASES WHEREIN FEES ARE DENIED.**

**By law—**

Act July 4, 1884, arrears of pension allowed by Congress subsequent to original grant. ....	No fee.
Act March 19, 1886, increasing rates of pension to certain widows. ....	No fee.
Act August 5, 1892, granting pensions to Army nurses. ....	No fee.
Act March 3, 1901, and act February 28, 1903, amending sec. 4708, R. S., giving pensionable status to certain remarried widows. ....	No fee.
Act February 6, 1907, granting pensions to certain survivors of the Mexican and Civil Wars. ....	No fee.
Act May 28, 1908, for services in introducing or securing the passage of a private act of Congress granting a pension. .	No fee.
<b>By departmental construction or regulations:</b>	
Increase by operation of law, Secretary's decision, or bureau schedule ratings (ruling 124 and order 266). ....	No fee.
Claim filed by State agent or commissioner (7 P. D. 293). .	No fee.
Wherein power of attorney only is filed (4 P. D. 356; 7 P. D. 517). ....	No fee.
Wherein no service is rendered (7 P. D. 517). ....	No fee.
Wherein attorney transmits only order for medical examination or reasons for claimant's failure to appear for such examination (9 P. D. 375), unless in response to bureau call . . . . .	No fee.

Where guardian, as attorney, prosecutes claim of his ward, or firm of attorneys of which guardian is a member, prosecutes such claim (rule 15, practice).....	No fee.
Where no fund accrues by reason of allowance out of which fee could be paid (8 P. D. 139; 11 P. D. 149) .....	No fee.
Reissue to include new disability, if no increase (8 P. D. 139) .....	No fee.
Rerating or reissue to correct rate or date of commencement, if same attorney as in original claim (7 P. D. 359; 13 P. D. 75) .....	No fee.
Securing new or duplicate pension certificate (8 P. D. 261) .	No fee.
<b>Supplemental claims—</b>	
To allow for child by former marriage if claim be filed by original attorney (7 P. D. 47; 16 P. D. 546).....	No fee.
To allow for helpless child if child named as helpless in original declaration, to original attorney (9 P. D. 117) ..	No fee.

#### POSTAGE.

By order of May 26, 1891, attorneys may receive, from and after April 22, 1891, for postage in any one claim..... \$0.50

### ATTORNEYS—RULES OF PRACTICE BEFORE THE BUREAU OF PENSIONS.

**Rule 1. Authority to Prosecute Claims.**—A person appearing of record in the Bureau of Pensions as having complied with the regulations prescribed by the Secretary of the Interior for the recognition of agents or attorneys before the Department of the Interior will be held authorized to prosecute any claim for pension or bounty land, in which the law does not prohibit the payment of an attorney's fee, on filing a power of attorney from the claimant: Provided, however, that the Commissioner of Pensions, in his discretion, may recognize such person without compensation in any claim for pension or bounty land heretofore filed, or that may hereafter be filed, in which the law prohibits the payment of such fee.

**Rule 2. Transfers of Attorneyship.**—Transfers of attorneyship will be governed by the following rules:

(a) Transfers of attorneyship must be acknowledged before some officer authorized to administer oaths for general purposes in the presence of two witnesses who must sign their names to the instrument of transfer.

(b) In all transfers of attorneyship a separate slip must be filed for each claim transferred, showing its number, the name of the claimant, the name of the soldier or sailor, the service on which the claim is based, the name and address of the transferee, and an acknowledgment by the transferee of the transfer.

(c) A transfer not general in character, but of a limited number of claims, from one agent, attorney, or firm to another, must be accom-

panied also by a schedule, alphabetically arranged, showing for each claim the data required on said slips.

(d) A transfer made by the legal representative of a deceased or incompetent agent or attorney must be accompanied by a duly authenticated certificate of an officer of the court having jurisdiction, showing the authority of such representative.

(e) The written consent of the claimant is necessary to entitle a transferee to recognition in an incomplete claim, the transfer of attorneyship in all such cases being subject to protest.

**Rule 3. Consent to Assignment.**—No agent or attorney shall have power to make a valid assignment of any claim in which he has been recognized, even with the written consent of the claimant, unless he is at the time of such assignment and of such consent in good standing before the Bureau of Pensions.

**Rule 4. Power of Attorney—Execution.**—No power of attorney purporting to be executed by a claimant will be recognized as good and valid unless the same is signed in the presence of two witnesses and acknowledged before an officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal.

**Rule 5. Articles of Agreement—Pension Claims—Execution.**—No articles of agreement filed under the act of July 4, 1884, will be recognized as valid, and no fee will be paid thereunder, unless the claimant's signature thereto is witnessed by two attesting witnesses and acknowledged before some officer authorized to administer oaths for general purposes, whose official signature is certified under seal.

The attorney's acceptance of such agreement must also be executed before some officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal.

**Rule 6. Articles of Agreement—Pension Claims, Forms, Requirements.**—Articles of agreement, to be recognized as valid by the Commissioner of Pensions, must be in duplicate and in the form prescribed by order of July 8, 1884, and have printed upon the reverse: "Notice to Claimant," "This agreement is permissible under the law, but not compulsory," and a copy of the act of July 4, 1884.

**Rule 7. Articles of Agreement—Bounty Land Claims.**—When a claim for bounty land has been allowed and the warrant issued, one approved copy of the articles of agreement will be forwarded to the agent or attorney of record and the other preserved in the files of the claim. The bounty land warrant will be forwarded direct to the party entitled to the possession thereof.

**Rule 8. Postage.**—An agent or attorney may request and receive from a claimant a sum not exceeding fifty cents for postage in the prosecution of any one claim, original or increase, but compliance with such request of the agent or attorney is optional with the claimant.

Agents and attorneys are not allowed to demand a sum for postage as a right, or to refuse to prosecute a claim where the request for postage is not complied with.

**Rule 9. Articles of Agreement—Attorney to Stipulate Amounts Received.**—When in the adjudication of any claim for pension or bounty land in which articles of agreement have been or may hereafter be filed, it shall appear that the claimant, prior to the execution thereof, had paid to the agent or attorney any money for fee, postage (other than as allowed by Rule 8), or expenses in connection with the prosecution of the claim, and the amount so paid is not stated in the acceptance of agreement by the agent or attorney, then every such claim shall be adjudicated as if the articles of agreement contained no stipulation as to a fee, and from the fee of ten dollars allowed by law such sums as are shown to have been paid to the agent or attorney shall be deducted.

**Rule 10. Attorney not to Act as Notary, etc., or Attesting Witness.** No power of attorney or articles of agreement will be accepted as valid wherein the claimant's acknowledgment is taken before an officer who is the agent or attorney named therein, or where the agent or attorney acts as one of the attesting witnesses to claimant's signature to such instrument.

A declaration, affidavit, or any paper, requiring execution, or acknowledgment in connection with a claim for pension, or bounty land, must be executed or acknowledged before an officer duly authorized to administer oaths for general purposes, who is not interested in the prosecution of the claim to which said paper pertains, and the jurat must so show. An agent or attorney who shall file any paper containing in the jurat a false statement that the officer before whom such paper was executed, or acknowledged, is not interested in the prosecution of the claim, or any statement equivalent thereto, when in truth and in fact, such agent or attorney has entered into a contract, agreement, or understanding, with such officer, by virtue of which said officer is to receive compensation, or a commission, from such agent or attorney, in the event of the allowance of the claim, will subject himself to suspension or disbarment from practice before the Bureau of Pensions.

**Rule 11. Limitation—Date of Filing.**—All articles of agreement in claims for pension or bounty land that conform to the requirements of the law and regulations will be accepted if filed prior to the date of the issue of the certificate or of the bounty land warrant.

**Rule 12. Limitation—Title to Fees.**—No request of an agent or attorney for consideration of his title to a fee will be entertained unless the same is filed in the Bureau of Pensions within three years from the date of issue of the certificate upon which such fee is claimed.

**Rule 13. Disbarment—Effect on Payment of Fee.**—If an agent or attorney is disbarred pending the adjudication of a claim, and if, while such disbarment is in force, the claim is adjudicated and the certificate issued without certification of a fee by reason of such disbarment, and if thereafter said agent or attorney is restored to practice, and if claimant has not, by reason of such disbarment, canceled or revoked the authority theretofore existing, upon such restoration as aforesaid the lawful fee will be certified and paid to such agent or attorney.

**Rule 14. Same—Estoppel.**—When a claimant during the disbarment of his agent or attorney of record employs another, who prosecutes the claim to final adjudication, no fee will be certified the disbarred agent or attorney upon his restoration to practice, but his disbarment will operate by way of estoppel to bar any claim for fee.

**Rule 15. No Fee to Guardians.**—No fee will be allowed to a guardian who prosecutes the claim of his ward, nor to a firm of attorneys of which the guardian is a member.

**Rule 16. Failure to Furnish Evidence—Estoppel.**—When an agent or attorney is called upon by the Commissioner of Pensions to furnish evidence in any claim, he will be allowed ninety days within which to furnish same or to give reasons why he fails to do so: Provided always, that before such agent or attorney is dropped or another recognized, at any time within one year, he shall be given thirty days' notice to show cause why he is not guilty of laches. In the event that such answer be not filed within thirty days from the mailing of such notice, or that the answer thereto be held by the Commissioner of Pensions to be insufficient, claimant shall be notified of such failure and may file the same, either by himself or by such other attorney as he may elect; and upon the recognition of such other attorney the former agent or attorney will be estopped from claiming any fee.

**Rule 17. Call Slips.**—To call up a case will not be held of itself a substantial compliance with any specific requirement of the Commissioner of Pensions.

**Rule 18. Effect of Neglect.**—An agent or attorney will be required to exercise due diligence in all cases in which he is recognized. Neglect to prosecute a claim for one year will be held, in default of cause shown, conclusive evidence of the abandonment of a claim by the agent or attorney, and claimant will be so advised.

**Rule 19. Rejection—Reconsideration—Appeal.**—Upon the rejection of a claim for pension or bounty land the agent or attorney of record will be notified of such rejection and the reason therefor, and will be allowed ninety days from the date of such notice within which to file a motion for reconsideration, supported by material evidence, or within which to enter an appeal to the Secretary of the Interior; and on his failure to do either he will be held to have abandoned the case, and the claimant may employ any other duly qualified agent or attorney further to prosecute the claim.

**Rule 20. Order of Consideration of Claims.**—No claim pending in the Bureau of Pensions will be considered out of its regular order upon the request of an agent or attorney, or any other person whomsoever, except for good cause shown and upon the order of the Commissioner of Pensions.

**Rule 21. Circular Letters, etc., to be Approved by Commissioner Before Use.**—Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau

Secretary on the record. The decision of the Secretary shall be in duplicate and the same shall be transmitted with said record to the Commissioner of Pensions for action in accordance therewith. One copy of the decision shall be transmitted by the Commissioner to the appellant or his duly accredited attorney.

**Rule III. Limitation as to Filing.**—No appeal will be entertained unless filed within one year from the date of notice of final action or order of which complaint is made.

**Rule IV. Will not Lie for Refusal to Recognize Attorney in Case Where Law Prohibits Fee.**—No appeal will be entertained from the refusal of the Commissioner of Pensions to recognize attorneys or agents in prosecuting claims for pension or bounty land under any law wherein the payment of a fee for such service is prohibited.

**Rule V. Grounds to be Specified** (See Rule XI).—In each appeal, the name and service of the soldier, on account of whose service the claim is based, must be stated, together with the number of claim, the law under which the claim is prosecuted, and the date and substance of the action from which the appeal is taken.

**Rule VI.—Attorney, When Recognized in Case on Appeal.**—An appeal by an attorney will not be entertained unless he has filed a duly executed power of attorney for this purpose from the appellant, or is entitled under the rules to recognition.

**Rule VII. Attorney, Suspended or Disbarred—Appeal by, not Entertained.**—An appeal taken on behalf of a claimant by or through a suspended or disbarred attorney will not be entertained.

**Rule VIII. Attorney Fee—Refundment of.**—No appeal pertaining to the allowance of a fee when the refundment has been called for will be entertained unless refundment as required shall have been made.

**Rule IX. Commissioner of Pensions to Return Defective Appeal to Appellant.**—The Commissioner of Pensions shall return to the appellant any appeal not in conformity with the provisions of Rules III to VIII, inclusive, stating wherein the appeal is defective.

**Rule X. Appellant may Apply to Secretary for Order Directing Commissioner of Pensions to Certify Record, etc., to Department for Consideration When Said Commissioner has Decided Adversely as to Appellant's Right to Appeal.**—In proceedings before the Commissioner in which he shall decide that a party has no right to appeal to the Secretary or that said appeal may not be entertained under the provisions of the foregoing rules such party may apply to the Secretary for an order directing the Commissioner to certify said action together with the record in the case to the Department; and such application shall be in writing, under oath, and shall fully and specifically set forth the grounds upon which the same is based.

**Rule XI. Appeal must Contain Specific Assignments of Alleged Mistakes of Fact or Errors of Law** (See Rule V).—Each appeal must contain specific assignments of the alleged mistake or error of law or



of fact in the adjudication of said claim by the Commissioner of Pensions; and any appeal insufficient in this respect may be dismissed by the Secretary.

**Rule XII. Reconsideration of Departmental Decisions, Motions for—Limitations.**—A motion for reconsideration of any departmental decision may be filed with and entertained by the Secretary, in his discretion, if filed within six months from the date when such decision was rendered. It must be shown in said motion that some material feature of the case has not been considered in said decision, or that there was error of law or of fact.

**Rule XIII. Division of Pension, Act March 3, 1899—Practice—Limitation.**—Upon the adjudication of a claim for division of pension under the act of March 3, 1899, in the Bureau of Pensions, both parties will be promptly notified by the bureau, by registered letter, of the action taken. Each party will, in the absence of waiver, be allowed thirty days from receipt of said notice to appeal from said action, the appeal to be accompanied by due proof of service of a copy thereof upon the appellee, as required by Rule XIV. Unless such bureau action is appealed from within thirty days from receipt of said notice, the bureau action shall be deemed to be final to the extent that all payments of divisions of pension in accordance with such bureau action will not, in the absence of fraud or mistake of fact, be disturbed: Provided, the unexplained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof by the Bureau, will be deemed a waiver of his right to appeal to the extent that, if the claim be allowed, final orders for division of pension may issue at once.

**Rule XIV. First, Second, and Third Provisos of Act March 3, 1899—Proof of Service of Notice on Appellee Prerequisite.**—Appeals from bureau action in cases under the first, second, and third provisos of the act of March 3, 1899, should be accompanied by due proof of service of a copy of the appeal upon the appellee or his or her attorney of record.

Proof of service must be such as will satisfy the Commissioner of Pensions that the appellee has been informed of the appeal and the contents thereof, and may consist of, first, a written acceptance of service by the appellee or his or her attorney of record; or, second, a postal registry return receipt card, signed by appellee or attorney of record, accompanied by an affidavit, showing that on a certain date a copy of the appeal was mailed in a registered letter, postpaid, to the appellee or the attorney of record, addressed to a certain postoffice (naming it), that the card was returned in acknowledgment of the receipt of such letter; or, third, an affidavit showing that on a certain day and at a certain place a copy of the appeal was personally delivered to the appellee or his or her attorney of record.

Appeals in this class of cases unaccompanied by due proof of service, or a satisfactory reason why personal service cannot be made, will not

be filed, or considered, but will be promptly returned to the appellant, or his or her attorney of record, for compliance with this rule.

**Rule XV. During Pendency of Appeal Payment of One-half of Pension Suspended—Limitation as to Period for Filing Answer.**—Appeals from Bureau action in cases under the first, second and third provisos of the act of March 3, 1899, when accompanied by due proof of service of a copy thereof upon the appellee, will be filed, and the appellant and appellee promptly notified thereof. The appeal will operate to suspend further payment of the one-half pension in controversy until a decision shall have been rendered therein by the Department, and the appellee will be allowed thirty days from the date of filing the appeal in which to file an answer, brief or argument, in opposition to the appeal or in support of the bureau action appealed from.

**Rule XVI. Appeals Under Act of March 3, 1899, not to be Joined With Appeals Under Other Laws.**—Appeals from the Bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, should be confined to cases under that act, and not joined with an appeal from action in an invalid claim or claims under other acts of Congress, and when perfected by due proof of service of a copy of the appeal upon the appellee, as required by Rule XIV, should be addressed to the Commissioner of Pensions. This appeal should state the post-office address of the appellant and appellee and the certificate number and the service (company and regiment, etc.) of the pensioner, and should briefly, but specifically, state the error of law or fact complained of and the grounds relied upon for reversing or modifying the bureau action appealed from.

**Evidence.**—No additional evidence upon the merits of the claim should be filed by either appellant or appellee, or considered on appeal.

**Rule XVII. Review of Departmental Decisions in Cases for Division of Pensions, Motions for—To be Addressed to Secretary—Specifications—Proof of Service.**—Motions for review of departmental decisions in cases for division of pension under the act of March 3, 1899, should be addressed to the Secretary of the Interior and refer to the docket number of appeal, stating the names of the parties. The motion should briefly but specifically state the error of law or of fact in the decision sought to be reversed or modified and clearly indicate the grounds relied upon for reversing or modifying the decision and may be accompanied by brief or argument in support thereof. The motion should be accompanied with due proof of service of a copy of the motion upon the opposite party, or his or her attorney, as indicated in Rule XIV of Practice.

**Limitation as to Filing Answer, etc.**—The opposite party will be allowed thirty days in which to reply to said motion, if desired, by answer, brief, or argument, and thereupon the motion will be promptly considered by the department, and a copy of the departmental decision or order, on the motion for review, will be duly forwarded to the parties or their attorneys by the Bureau of Pensions.

**Suspension of Payment Only at Department's Direction.**—No motion for review of a departmental decision under said act shall operate to suspend payment of one-half the pension in controversy unless expressly directed by this department.

**Rules XIV and XVI, Supra, Applicable.**—The requirements of Rules XIV and XVI of Practice, as to appeals, are applicable to motions for review under said act.

**Rule XVIII. Cases on Appeal to be Decided in Regular Order—Motion to Advance—How Supported—When Granted.**—All cases on appeal will be considered and decided in regular order according to their places upon the docket, unless, for cause shown, a case may be advanced, on motion, for earlier hearing and determination. Every such motion shall set forth succinctly the grounds upon which it is based and must be supported by the affidavits of at least two disinterested parties cognizant of the facts upon which the motion is based. No such motion will be granted except in cases involving points of pension law of general application affecting other claims, unless it appears that the appellant is in extreme indigent circumstances or is ill without reasonable hope of recovery.

## **REGULATIONS AND INSTRUCTIONS RELATING TO PENSION CLAIMS.**

### **DECLARATIONS AND EVIDENCE.**

**Declarations and Affidavits.**—All declarations and affidavits must be executed before some officer duly authorized to administer oaths for general purposes, in accordance with the provisions of the act of Congress approved July 26, 1892.

**Blank Forms.**—Blank forms of declarations will be furnished to claimants upon application therefor. They will not be furnished to agents or attorneys in bulk, but sample forms will be sent on request.

**Claimant may Prosecute by Attorney or in Person.**—A claimant may prosecute his claim by attorney or in person, and if he prosecute it in person it will receive the same consideration by the Bureau of Pensions as it would receive if prosecuted by an attorney.

### **PENSIONS TO SURVIVORS OF WARS PRIOR TO 1861, AND TO THEIR WIDOWS.**

1. **War of the Revolution, Service Pensions.**—(a) Widows of soldiers who served for fourteen days or more, or were in battle during the war, are entitled, provided they have not remarried, to \$8 per month from March 9, 1878, and \$12 per month from March 19, 1886. (b) The widow of a Revolutionary soldier who, in his lifetime, was granted a pension, is entitled, under section 4743, Revised Statutes, to pension at the same rate as was paid the husband, notwithstanding remarriage, upon proof of present widowhood. (c) There is no law granting pen-

sion to the daughters or other descendants of soldiers of the Revolution. The daughters of Revolutionary soldiers now drawing pensions were placed on the pension-roll by special acts of Congress.

2. **War of 1812, Service Pensions.**—(a) Under the act of March 9, 1878, soldiers and sailors who served fourteen days or more, or were in any engagement, during this war, and were honorably discharged, and the widows of such soldiers and sailors, irrespective of the date of marriage, are entitled to \$8 per month from March 9, 1878. Under the act of March 19, 1886, widow pensioners mentioned in this paragraph are entitled to \$12 per month from that date. (b) There is no law granting service pensions to the descendants of soldiers or sailors of the War of 1812.

3. **Indian Wars from 1832 to 1842, Service Pensions.**—(a) The act of July 27, 1892, provides pensions for the surviving officers and enlisted men, including marines, militia, and volunteers, who were in the military or naval service of the United States for thirty days in the Black Hawk War, the Creek War, the Cherokee disturbances, or the Florida War with the Seminole Indians, and were honorably discharged; or who were personally named in any resolution of Congress for specific services therein; and for their widows, provided they have not remarried. Claimants under this act must be actual and *bona fide* residents of the United States at the date of making application. All pensions under this act are fixed at \$8 per month, irrespective of rank, are not subject to increase for any cause, and are payable from July 27, 1892; the pension of a widow whose husband was living on that date commences from the day of his death.

**Indian Wars from 1817 to 1858.**—The provisions of the foregoing act of July 27, 1892, were extended by the act of June 27, 1902, from the date of its passage, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in certain specified Indian wars occurring from 1817 to 1858. This act also made provisions for the surviving widows, who have not remarried, of such officers and men. In establishing these claims a record of pay by the United States is accepted to prove record of enlistment and service.

**Indian Wars, etc., from 1855 to 1860.**—The provisions of the foregoing act of July 27, 1892, were extended by the act of May 30, 1908, to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year 1855 to the year 1860, inclusive, and to the surviving widows, who have not remarried, of such officers and men. In establishing these claims, where there is no record of enlistment or muster into the service of the United States, the fact of reimbursement to the State of Texas by the United States, as evidenced by the muster-rolls and vouchers on file in the

War Department, shall be accepted as full and satisfactory proof of such enlistment and service.

**4. Mexican War, Service Pensions.**—(a) Under the act of January 29, 1887, officers and enlisted men who were in the military or naval service of the United States for sixty days in the Mexican War, or on the coasts or frontier thereof, or en route thereto, or who were in a battle and were honorably discharged, or who were personally named in any resolution of Congress for specific service therein, are entitled to pension if sixty-two years of age; or, if not, upon proof of pensionable disability or dependence, but disability incurred while voluntarily aiding or abetting the late rebellion does not give title to pension. (b) Widows of officers and enlisted men who served as above are entitled to pension upon the same conditions as to age or dependence as apply to officers and enlisted men. (c) Pensions under this act commence on January 29, 1887, if a pensionable condition existed at that date, in survivors' claims, by reason of age, dependence, or disability, and in widows claims, by reason of age or dependence; if not, then on the date the applicant becomes sixty-two years of age, or dependent, or disabled within the meaning of the law. (d) The rate of pension to survivors is \$8 per month, irrespective of rank. This rate for survivors was increased by the act of January 5, 1893, to \$12 per month, but its benefits were limited to those who were pensioners on January 5, 1893. To secure this increase the act requires that a pensioner must show that he is wholly disabled for manual labor and in such destitute circumstances that \$8 per month is a sum insufficient to provide him with the necessaries of life. The act of April 23, 1900, removed the limitation imposed in the act of January 5, 1893. The act of March 3, 1903, pensions all survivors of the Mexican War at \$12 per month, irrespective of the conditions named in the act of January 5, 1893, and the act of April 23, 1900. (e) The pension to a widow under this act is \$8 per month, and is not subject to increase. (f) Descendants of deceased Mexican soldiers are not entitled to service pension.

**Act of February 6, 1907.**—Under this act any person who served sixty days in the War with Mexico in the military or naval service of the United States and has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, is entitled to a pension at the following rates, irrespective of rank: At sixty-two years, \$12 per month; at seventy years, \$15 per month; and at seventy-five years or over, \$20 per month. Pension commences from the date of filing claim in the Bureau of Pensions subsequent to February 6, 1907, after attaining the specified age.

**5. Pensions for Disability or Death Due to Service Prior to March 4, 1861.**—(a) Soldiers who were wounded or injured, or who contracted disease in the line of duty, are entitled to pension corresponding in rate to the degree of the disability incurred in the service. Persons who rendered naval service are entitled to a like pension, under the same conditions, excepting that no pension may be granted

to an engineer, fireman, or coalheaver for disability incurred prior to August 31, 1842. (b) The widows, or children, under sixteen years of age, of soldiers who served prior to March 4, 1861, are entitled to pension, if the soldier's death was due to causes originating in time of actual war, and not otherwise. Widows, or children, under sixteen, of sailors who served prior to March 4, 1861, are entitled to pension only when the death of the sailor occurred in the service and in the line of duty. (c) Pensions mentioned in this paragraph, if not applied for within three years from the discharge or death of the person on whose account the right to pension exists, or within three years of the termination of a pension previously granted on account of the service and death of such person, commence from the date of filing, by the person prosecuting the claim, of the last paper necessary to establish it. (d) The rate of pension allowed to one whose pensionable rights accrued prior to March 4, 1861, is subject to variation, after July 25, 1866, in accordance with the laws passed since March 4, 1861. (e) There is no provision of law granting pensions to the parents, brothers, or sisters of persons who rendered military or naval service prior to March 4, 1861.

#### PENSIONS TO INVALIDS SINCE MARCH 4, 1861.

**Sections 4692 and 4693, Revised Statutes.**—The declaration should set forth the company and regiment in which the applicant served, the name of the commanding officer of the company or organization, and the dates of enlistment and discharge, with personal description at enlistment. In Navy cases, the vessels on which claimant served should be stated. If the claim is made on account of a wound or injury, the declaration should set forth the nature and locality of the wound or injury, the time when, the place where, and the circumstances under which it was received, and the duty upon which the applicant was engaged.

**Circumstances Under Which Wound Received.**—If the wound or injury was accidental, the applicant should state whether it happened through his own agency, or that of other persons, and he should detail minutely the circumstances under which it was received.

**Disease.**—If the claim is made on account of disability from disease, the applicant should state in said declaration when the disease first appeared, the place where he was when it appeared, and the duty upon which he was engaged at the time. He should also detail the circumstances of exposure, and the causes which, in his opinion, produced the disease. Whether the application be made on account of disability from wound, injury, or disease, the claimant should state the names, addresses, and localities of all hospitals in which he received medical or surgical treatment, giving the dates of his admission thereto, as correctly as he may be able.

**Service.**—The applicant should state whether he was in the military or naval service prior to, or after, the term of service in which his disability originated.

**Address.**—The applicant should state his postoffice address, including street and number, or rural free delivery route, if any.

**Identity.**—The identity of the applicant must be shown by the testimony of two competent, credible witnesses, who must appear with him before the officer whose jurat is attached to the declaration.

#### EVIDENCE REQUIRED IN A CLAIM FOR INVALID PENSION.

**Military and Medical History.**—As soon as practicable after the receipt of an application for pension a call will be made by the Bureau of Pensions, in Army cases, upon the Adjutant General, United States Army, for the full military and medical history of the applicant, as shown by the records of the War Department. In Navy cases, calls for such evidence will be made upon the proper bureaus of the Navy Department.

**Evidence That Disability Originated in Service.**—When the records of the War or Navy Departments do not furnish satisfactory evidence that the disability on account of which the claim is made originated in the service of the United States, and in the line of duty, the claimant will be required to furnish such evidence, in accordance with the instructions hereinafter given, and compliance with such requirement must be full and definite. If the disability resulted from a wound or injury, the nature and location of the wound or injury, the time when, the place where, and the manner in which it was received, whether in battle or otherwise, should be shown by the evidence of someone who was a commissioned officer and had personal knowledge of the facts.

**Commissioned Officer—Surgeon.**—If the person called upon to give evidence is still in the service as a commissioned officer, his certificate will be accepted in lieu of his affidavit. If there is no record of the disability claimed, the applicant will be called upon to furnish the testimony of the surgeon by whom he was treated, showing the location and nature of the wound or injury, and the circumstances under which it was received. If the disability arose from disease, the testimony of the person who was surgeon or assistant surgeon of the regiment to which the applicant belonged, or of the vessel on which he served, should be furnished, if possible, showing the name or nature of the disease, the time when, the place where, it was contracted, and the circumstances of exposure to the causes which, in his opinion, produced the same. The surgeon should state whether, in his opinion, the habits of the applicant were contributory to the origin or development of the disease.

**Other Persons.**—In any claim, whether based on wound, injury, or disease, if it be shown that the testimony of a surgeon, assistant surgeon, or other commissioned officer, cannot be produced as evidence of the origin of the disability alleged, the testimony of other persons having personal knowledge of the facts will be considered.

**Physicians.**—In a claim on account of disability from disease, the applicant must furnish the testimony of physicians who have attended

him since the date of discharge, explicitly setting forth the history of the disease and the disability since its first appearance. It is especially important that the physician who first attended the applicant after his discharge state the date at which the attendance commenced and the condition found at the time. If it should not be possible for the applicant to show the condition of his health during the whole period since the date of his discharge by the testimony of physicians, the cause of his inability to do so should be stated by him, under oath. The testimony of other persons on this point may then be presented. Statements of witnesses in regard to the manner in which the applicant was affected should be full and definite, and should show how such witnesses obtained a knowledge of the facts to which they testify.

**Act of June 27, 1890, as Amended by Act of May 9, 1900.**—Any officer, soldier, sailor, or marine who served ninety days or more in the military or naval service of the United States during the late War of the Rebellion, who has been honorably discharged therefrom, and who is suffering from disability of a permanent character, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support, is entitled to a pension under this act of not less than \$6 nor more than \$12 per month.

The act of May 9, 1900, amending the act of June 27, 1890, provides that, in determining inability to earn a support, each and every infirmity shall be considered, and the aggregate of the disabilities shown be rated. These acts require an honorable discharge from each and every term of service rendered during the War of the Rebellion. A modification of this requirement has resulted, by reason of the provisions of section 2 of the joint resolution of July 1, 1902, as amended by the joint resolution of June 28, 1906. As the law now stands the honorable discharge of any soldier or sailor from any subsequent contract of service entered into by him during the late War of the Rebellion is regarded as an honorable discharge from all previous contracts of service previously entered into by him with the United States during the said war, if the service under such subsequent contract was for not less than six months, and was faithful, and if he had not received by reason of the subsequent service any bounty or gratuity, other than from the United States, in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him during the War of the Rebellion. The limitation of section 4716, Revised Statutes, operated against claimants under these acts until July 1, 1902, the date of the passage of the joint resolution above referred to, the first section of which removed the limitation as to disloyalty, except as to those who enlisted in the Army or Navy of the United States after January 1, 1865.

**Act of February 6, 1907.**—By the terms of this act any person who served ninety days or more in the military or naval service of the United States during the late Civil War, and who has been honorably



discharged therefrom, is entitled to a pension at the following rates, irrespective of rank: At sixty-two years of age, \$12 per month; seventy years of age, \$15 per month; seventy-five years or over, \$20 per month. Pension commences from the date of filing claim in the Bureau of Pensions, subsequent to February 6, 1907, after attaining the specified age.

The bases of title under this act, except as herein otherwise stated, are the same as under the act of June 27, 1890, as amended by the act of May 9, 1900.

**Claims for Increase of Invalid Pensions.**—The pensioner who may deem himself entitled to an increase of pension should file a declaration setting forth the grounds upon which he bases his claim for increase. Upon the receipt of a declaration the claimant will be advised of the evidence necessary to complete his claim, and, if it is warranted, a medical examination will be ordered.

**Order for Medical Examination Will not Issue.**—An order for medical examination will not issue where the claimant is in receipt of the maximum rate, under the law and the rulings of the department, for the pensioned disability, such as "loss of sight of one eye," "total deafness of one ear," "hernia," "loss of limb," or any other specific or minor specific disability, for which the rate is fixed by law or departmental rulings, and where no complications are shown. Claimant will be notified that he is receiving the maximum rate of pension for the pensioned disability.

**Claims for Renewal of Pension.**—Application for renewal of pension must be made by a declaration executed as in original claims, setting forth that the cause for which pension was granted still continues.

In cases of unclaimed pensions (sec. 4719, Rev. Stats.) there must be filed evidence specifically accounting for the failure to claim the pension, and, in the case of invalids, medical evidence showing the continuance of the disability on account of which pension was allowed.

#### NAVY SERVICE PENSIONS.

**Enlisted Men and Petty Officers.**—Under sections 4756 and 4757, Revised Statutes, pensions for twenty years' service and for ten years' service, respectively, are allowed by the Secretary of the Navy to enlisted men and appointed petty officers who have not been discharged for misconduct. Pension commences from the date of filing the claim therefor in the Navy Department; and for twenty years' service amounts to one-half the monthly pay of the applicant's rating at his discharge; for ten years' service the pension cannot exceed the rate for total disability and is fixed, as is also its duration, by the Navy Department. An application for pension under the sections referred to should be made to the Secretary of the Navy, and all subsequent communications should be addressed to the Chief of the Bureau of Navigation, Navy Department, Washington, D. C.

### PENSIONS TO WIDOWS SINCE MARCH 4, 1861.

**Sections 4702 and 4703, Revised Statutes.**—To obtain title to pension under these sections it must be shown that the soldier or sailor died of a disability contracted in the service and in the line of duty. The date, place, and cause of death of the soldier or sailor through whom the pension is claimed should be shown by a verified transcript of the public record. When the public record is indefinite as to the cause of death, and when it is necessary to show the pathological connection between the death-cause as shown in the record and the disability as proven of service origin, the testimony of the attending physician should be filed, giving a full history of the soldier's fatal illness and the mode and manner of death, but when this is impossible the testimony of other persons who are acquainted with the circumstances may be furnished.

**Proof of Marriage.**—The marriage of the applicant to the person on account of whose service and death the claim is made should be shown—

- (1) By a duly verified copy of a public or church record; or
- (2) By the affidavit of the clergyman or magistrate who officiated; or
- (3) By the testimony of two or more eye-witnesses to the ceremony; or
- (4) By a duly verified copy of the church record of baptism of the children; or
- (5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such cohabitation continued.

Section 4705, Revised Statutes, provides that in the claims of the widows and children of colored and Indian soldiers and sailors there need be no other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to the date of his death.

**Proof of Dates of Birth of Children.**—The dates of birth of children should be proved—

- (1) By a duly verified copy of the public records of births, or the church record of baptism; or
- (2) By the affidavit of the physician who attended the mother; or
- (3) By the testimony of persons who were present at the births, who should state how they are now able to fix the precise dates.

If any child of the person on whose account the claim is made died after the date at which the widow's pension would commence, the date of death must be shown.

**Act of June 27, 1890, as Amended by Act of May 9, 1900.**—Pensions under these acts are granted to widows upon proof—

(1) That the soldier or sailor served at least ninety days during the War of the Rebellion.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, the death of the soldier or sailor may be presumed.

(4) That the widow is without means of support other than her daily labor and an actual net income not exceeding \$250 per annum.

(5) That she married the soldier or sailor prior to June 27, 1890.

**Act of April 19, 1908.**—Pensions under this act are granted to widows upon proof—

(1) That the soldier or sailor served at least ninety days during the Civil War.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, his death may be presumed.

(4) That she was married to the soldier or sailor prior to June 27, 1890.

#### PENSIONS TO MINORS SINCE MARCH 4, 1861.

**Sections 4702 and 4703, Revised Statutes.**—To obtain title to pension under these sections it must be shown that the father of the minor children died of a disability contracted in the service and in the line of duty; and, in addition, proof must be furnished as follows:

(1) The cause and date of the father's death, the marriage of the parents, and the dates of birth of the children, must be established. When, however, satisfactory proof upon these points has been furnished in the claim of the widow, it will not again be required in the claim on behalf of the minors.

(2) If the mother of the children is dead, the date of her death must be proved. If she remarried, her remarriage must be shown in the same manner that her marriage to the father of the children is required to be established. If the claim is based on the fact that the widow has abandoned the care of the children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of them, and such fact be duly certified under seal, by any court having probate jurisdiction, the children are given a pensionable status by section 4706, Revised Statutes, to the exclusion of the widow, until they severally attain the age of sixteen years, to commence from the date of last payment to the widow, if she be a pensioner, and if not, from the date on which her pensionable rights accrued.

(3) If the mother of the children died before the father, it must be shown whether he again married.

(4) It must be shown whether the father left any other pensionable child than the minors for whose benefit the claim is made, and, if so, why such child was not mentioned in the application. A guardian is not entitled on account of a child that died prior to the date of the application for pension.

**Act of June 27, 1890, as Amended by Act of May 9, 1900.**—Minor children have title under these acts upon the death or remarriage of the widow of the soldier or sailor. Where, however, the widow was married to the soldier or sailor subsequent to June 27, 1890, and his death-cause did not originate in the service and in the line of duty; or where she has forfeited her title to pension by open and notorious adulterous cohabitation, the minor takes title, even though the widow be alive and unmarried.

### PENSIONS TO HELPLESS CHILDREN.

**Minor Child Physically or Mentally Helpless.**—The first proviso of the third section of the act of June 27, 1890, as amended by the act of May 9, 1900, continues the pension of a minor child who is insane, idiotic, or otherwise physically or mentally helpless, after it becomes 16 years of age, during the life of said child, or during the period of such disability. The benefits of this proviso are extended to all pensions granted before June 27, 1890, or thereafter granted, under any statute. The pension allowed by the proviso commences from the date of the filing of the application therefor in the Bureau of Pensions. In order to obtain title, the helplessness of the child must have originated prior to attaining the age of sixteen years, and have continued thereafter.

### PENSIONS TO DEPENDENT RELATIVES.

**Section 4707, Revised Statutes.**—To obtain title to pension under this statute, it must be shown that the soldier or sailor died of a disability contracted in the service and in line of duty.

**Dependent Mothers.**—A mother must show her relationship, the date and cause of the son's death, whether he left a widow or minor children surviving, and her dependence upon him for support at the time of his death.

**Proof of Dependence.**—In proof of dependence, it must be shown that previous to the date of the said son's decease, her husband had died, or that he had permanently abandoned her, or that, on account of disability from injury or disease, he was unable to support her. If the husband is dead, the date of his death must be proved. If he abandoned the support of his family, the date of the abandonment, and all the facts of the case, showing whether he ever returned, or ever afterwards contributed to the support of the claimant, must be fully set forth. If he was disabled, the nature and cause of the disability, when, and to what extent, it rendered him unable to support the claimant, must be shown by the testimony of his physician. The extent of his disability during the period from the son's death to the present time should also be shown.

**Value of Property.**—The value of the property of the claimant and her husband, the income derived therefrom, and the other means of support possessed by her, while she was receiving the contributions of the son on account of whose service and death pension is claimed, and

from that time to the present, should be shown by the testimony of credible and disinterested witnesses, who must state how they know the facts. The value of property assessed for taxation may be shown by the testimony of the officer having custody of the records relative thereto, who should also state the ratio of the assessed to the actual or cash value of such property.

**To What Extent Son Contributed.**—It must be shown to what extent, for what period, and in what manner, her said son contributed to her support, by the testimony of persons for whom the son labored, to whom he paid rent, of whom he purchased groceries, fuel, clothing, or other necessary articles for the mother's use, or of those who otherwise had a knowledge of the contributions of the son, and who must state how they obtained such knowledge. Any letter from the son, bearing upon the question of support, should be filed. If the son, in any other manner than by actual contributions, acknowledged his obligation to support his mother, or was, by law, bound to such support, the facts should be shown.

**Dependent Fathers.**—A father claiming a pension on account of the death of a legitimate son, upon whom he was dependent for support, must prove—

(1) The cause of his son's death;

That said son left no widow or minor child surviving;

The cause and extent of claimant's disability during the period in which the son contributed to his support, and from that time to the present;

The amount of his property, and all other means of support possessed by him during that period, and the extent of his dependence upon his son for support.

The facts of the case, in each respect, should be shown by such testimony, as is required in the claim of a mother.

(2) The date of the claimant's marriage to the mother of the soldier or sailor, the date of birth of the son, and the date of the death of said mother, must be proved.

In case the mother applied for pension, reference should be made to her application, and the number of the same, or of her certificate, should be given. Evidence upon any point established in a mother's claim will not again be required.

**Minor Brothers and Sisters.**—In a claim on behalf of minor brothers and sisters, there must be proved—

The cause and date of death of the brother on whose account the claim is made;

His celibacy;

The dates of death of the mother and father, or death of the father and remarriage of the mother;

The dates of birth of the claimant and other dependents upon the brother for support.

If the mother or father applied for pension, the number of his or her application, or of his or her certificate, should be given.

Evidence upon any point established in the claim of the mother or the father will not again be required.

In the administration of the pension laws no distinction is made between brothers and sisters of the half-blood and those of the whole blood.

**Act of June 27, 1890** (construed as amending sec. 4707, R. S., as to dependent parents).—The same evidence is required in claims under this act as under section 4707, Revised Statutes, in its original form, except as to contributions by the soldier or sailor, and as to date of dependence, which is removed from the date of the soldier's or sailor's death to the date of the filing of the application for pension under this law.

**Rate of Pension.**—The rate of pension under section 4707, Revised Statutes, in its original form, and under section 1 of the act of June 27, 1890, is governed by the rank of the soldier or sailor on account of whose service and death pension may be claimed.

**Attorney's Fee.**—If the claim is prosecuted under section 4707, Revised Statutes, the attorney's fee may be \$25; if prosecuted under section 1 of the act of June 27, 1890, the fee is \$10.

#### CLAIMS FOR RENEWAL AND RESTORATION.

**Application for Renewal.**—Application for renewal of pension (sec. 4719, Rev. Stats.) must be submitted to the Commissioner of Pensions by a declaration executed as in an original claim, setting forth fully the reasons for failure to draw pension, accompanied by evidence satisfactorily accounting for such failure.

**Restoration of Pension.**—The act of March 3, 1901, amending section 4708, Revised Statutes, and the act of February 28, 1903, amendatory of said act of 1901, provided for restoration of pension to certain remarried widows on renewed widowhood. The applicant under these acts must show that she was the wife of the officer, soldier, or sailor during the period of his service in any war; that her name was dropped from the roll by reason of her marriage to another person, who has since died, or from whom she has been divorced upon her application, and without fault on her part; and that she is without other means of support than her daily labor and a net income not exceeding \$250 per annum. The fact that the widow was originally barred from pension by the terms of the act of March 3, 1865, by reason of her marriage, does not deprive her of title to restoration under the act of February 28, 1903.

#### PENSIONS TO ARMY NURSES.

**Act of August 5, 1892.**—By this act all women employed by the Surgeon General of the Army as nurses during the late War of the Rebellion, for a period of six months or more, and who were honorably relieved from such service, are entitled to a pension, provided they are unable to earn a support. Applications for pension under

this act should be made in the form prescribed by the Commissioner of Pensions.

#### DIVISION OF PENSION.

**Act of March 3, 1899.**—Applications for division of pension under this act will be adjudicated in accordance with the following rules:

**Rule 1. Prima Facie Case.**—All claimants under the act of March 3, 1899, will be required to file with their declarations proof in support thereof sufficient to establish a *prima facie* case under the law.

**Rule 2. Claim by Wife, Alleging Desertion.**—Where the claim is filed by the wife, alleging that the pensioner has deserted her for a period of over six months subsequent to March 3, 1899, and prior to the filing of the declaration, the declaration must be accompanied by evidence showing that she is the wife of the pensioner; that the pensioner has deserted her for the period alleged in the declaration, and that she is a woman of good moral character and in necessitous circumstances.

**Rule 3. Claim by Wife Alleging Pensioner is Inmate of Home.**—Where the claim is filed by the wife, alleging that the pensioner is an inmate of a State Soldiers' or Sailors' Home, or a National Soldiers' Home, the declaration must be accompanied by evidence showing that the claimant is the wife of the pensioner and that she is a woman of good moral character and in necessitous circumstances.

**Rule 4. Claim by Pensioner, Alleging Desertion.**—Where the claim is filed by or on behalf of the minor child or children, under sixteen years of age, of a pensioner, alleging that pensioner has deserted said child or children, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of each child; death or divorce of the mother of the minor child or children, or that she has no title under the said act; that the pensioner has deserted such child or children for the period alleged; and, in the event of the death or divorce of the mother of the minor child or children, that the pensioner had not remarried prior to the statutory date of desertion, or that his present wife has no title under said act.

**Rule 5. Claim by Minor Alleging Pensioner is Inmate of Home.**—Where the claim is filed by or on behalf of the minor child or children, under sixteen years of age, of the pensioner, alleging that the pensioner is an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home, the declaration must be accompanied by evidence showing the marriage of the parents; date of the birth of each child; the death or divorce of the mother of the minor child or children; or that she has no title under the act of March 3, 1899; and, in the event of the death or divorce of the mother of said minor child or children, that the pensioner had not remarried prior to the statutory date of entrance into the home, or that his present wife has no title under said act.

**Rule 6. Claim by Permanently Helpless and Dependent Child, Alleging Desertion.**—Where the claim is filed by or on behalf of a

permanently helpless and dependent child of a pensioner, alleging that pensioner has deserted such child, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of the child, or that she has no title under the said act; that the pensioner has deserted such child for the period alleged; that the child is permanently helpless and dependent; and in the event of the death or divorce of the mother of such child, that the pensioner had not remarried prior to the statutory date of desertion, or that his present wife has no title under said act.

**Rule 7. Claim by Permanently Helpless and Dependent Child, Alleging Pensioner Inmate of Home.**—Where the claim is filed by or on behalf of a permanently helpless and dependent child of a pensioner, alleging that pensioner is an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of such child; or that she has no title under the act of March 3, 1899; that such child is permanently helpless and dependent; and in the event of the death or divorce of the mother of said child that the pensioner had not remarried prior to the statutory date of entrance into the Home, or that his present wife has no title under said act.

**Rule 8. Declaration, Unaccompanied by Evidence.**—A declaration, unaccompanied by evidence as indicated herein sufficient to establish a *prima facie* case, will not be considered as conferring any right upon the claimant, or as serving notice upon the Bureau sufficient to warrant the suspension or the withholding of any part of the pension due or owing to the pensioner. Upon the receipt of a declaration, unaccompanied by evidence as indicated herein, it should be promptly returned to the claimant with a notification that until the application is perfected in accordance therewith it cannot be considered.

**Rule 9. Suspension of One-half of Pension.**—Upon the filing by the wife, minor child or children, or permanently helpless and dependent child of a pensioner, of a declaration accompanied by sufficient evidence to show a *prima facie* case under the act of March 3, 1899, the United States pension agent will at once be instructed to suspend payment of one-half of the unpaid pension due the pensioner for the period from the date of statutory desertion, or his entrance into a State or National Soldiers' Home, and to withhold from him one-half of the pension due and payable to him for the period from the date of the filing of the declaration, and during the pendency of the claim under the act cited.

**Entry.**—The United States pension agent, upon the receipt of a notice from the Commissioner of Pensions to suspend payment of one-half the pension of the pensioner, will make a record entry thereof, and promptly acknowledge receipt of said notice of suspension, and thereafter he will make no payment of the one-half suspended portion of the



pension to any person until further directed by the Commissioner of Pensions.

**Notice of Suspension.**—In case the pensioner is an inmate of a National Soldiers' Home, the treasurer of said Home will, on the same date of the notice of suspension to the United States pension agent, be duly advised, through the Governor of said Home, of said notice of suspension. If, on the date of receipt of said notice by the treasurer of the Home, he shall be in possession of any unexpended pension money drawn in pensioner's behalf, or to which the pensioner became entitled during his residence in said Home subsequent to March 3, 1899, the treasurer shall withhold and retain in his possession one-half of said unexpended pension money, subject to the future order of the Commissioner of Pensions.

**Rule 10. Stay Pending Adjudication.**—The filing of an application by a claimant under the act of March 3, 1899, like an appeal by claimant or pensioner, shall serve the same purpose as a writ of supersedeas, or other similar writ, and shall stay further Bureau proceedings, so far as they involve further payment of the one-half of the pension in controversy, pending the adjudication of the claim by the Commissioner of Pensions.

**Rule 11. Date of Desertion.**—In all cases filed under the act of March 3, 1899, and allowed, the claimant is entitled to one-half of so much of the unpaid pension as is due or owing to the pensioner at the date of the filing of the declaration, and covering the period from the date of the statutory desertion, subsequent to the passage of the act of March 3, 1899, or covering the period from the entrance of the pensioner into a State Soldiers' or Sailors' Home or a National Soldiers' Home subsequent to the passage of the act of March 3, 1899. In cases of desertion, where the desertion occurred prior to the passage of the act of March 3, 1899, the date of statutory desertion will be accepted as March 4, 1899. In cases where the desertion occurred subsequent to March 3, 1899 (the date of the passage of the act), the date of the actual desertion will be accepted as the date of the commencement of the statutory desertion. No right can accrue to a wife-claimant until the pensioner has been in actual desertion for a period of over six months prior to the execution of her declaration, and no right of application by a wife, under the act, can accrue on account of desertion, until six months have expired from the date of such desertion.

**Rule 12. Date of Entrance into Home.**—In cases filed under the act of March 3, 1899, where the pensioner is an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home, the actual date of entrance into the Home subsequent to March 3, 1899, will govern. If at the date of the passage of the act the pensioner was an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home March 4, 1899, will be considered as the statutory date of the pensioner's entrance into the Soldiers' Home, and payment, if the claim is allowed, shall be one-half of so much of the pension as remained unpaid and

due and owing to the pensioner at the date of the filing of the declaration.

**Rule 13. Increase of Pension.**—When an increase of pension is allowed a pensioner subsequent to the allowance of a claim under the act of March 3, 1899, the beneficiary shall be entitled to one-half of only so much of the pension as is due the pensioner, covering the period subsequent to the statutory desertion established in the claim, or subsequent to the date of the entrance of the pensioner into the Soldiers' Home subsequent to the passage of the act of March 3, 1899.

**Rule 14. Promptness.**—As promptness in the adjudication of claims filed under the act of March 3, 1899, is imperative, to avoid vexatious charges against one or the other, both the claimant and the pensioner will be required to answer calls made for evidence promptly.

**Rule 15. Answer.**—Where a *prima facie* case under the act of March 3, 1899, has been filed the pensioner will receive the usual notice of the filing of the claim, and will be allowed thirty days, as herein provided, from the receipt of said notice, to answer the allegations made therein. Where the pensioner has made answer, and in rebuttal filed evidence, the claimant will be allowed thirty days from the receipt of a notice of such evidence to answer same and complete the claim in accordance with the terms of the act of March 3, 1899. Should the claimant fail to complete the claim, or fail to give a satisfactory reason for so doing, the case should be rejected, on the ground that claimant has failed to establish title within the meaning of the act of March 3, 1899.

**Rule 16. Waiver of Answer.**—Where the pensioner receives the usual thirty-day notice of the filing of the claim under the act of March 3, 1899, and fails to make answer within thirty days from the receipt thereof, he will be considered as waiving his right of answer, and the registry return receipt card, or other evidence, showing his receipt thereof, will be considered as proof of service upon him of notice of the filing of the claim and his waiver of answer thereto.

**Rule 17. Right of Appeal.**—Upon the adjudication of a claim under the act of March 3, 1899, the Bureau will promptly notify both parties of the action taken, by registered letter, informing both that thirty days from the receipt of said notice will be allowed for the purpose of appealing from the decision of the Bureau, and there shall be inclosed to both claimant and pensioner, a copy of Rules of Practice in Appealed Claims. No payment will be made until the expiration of said thirty days, unless the right of appeal shall be sooner waived: Provided, however, that the unexplained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof, shall be deemed a waiver of his right of appeal to the extent that, if the claim is allowed, final orders for division of pension shall issue at once.

**Rule 18. Upon Filing of Appeal, Payment Suspended.**—Upon the filing of an appeal, in accordance with the rules of the Department, payment will be still suspended, pending the decision of the Department upon the appeal, as required by Rule 14 of Rules of Practice in Appealed Claims.

**Rule 19. If No Appeal Filed.**—If no appeal is filed within thirty days from the date as shown by the registry return receipt card, payment will be made in all cases allowed, and suspension of payment will be removed in all cases rejected, and the full amount of pension restored to the pensioner in the last-named cases.

**Rule 20. Payments to Beneficiaries.**—Any and all payments of one-half the pension to any of the beneficiaries named in the first three provisos of said act of March 3, 1899, shall hereafter be made by and through the United States pension agents, and, in future, no payment shall be made to any of said beneficiaries by the treasurer of a National Soldiers' Home, except one-half of so much of the pensioner's pension as shall be in the hands of the treasurer of said Home, and unexpended, at the date of filing the claim under said act, in which case the treasurer shall withhold and disburse upon the order of the Commissioner of Pensions, as provided in Rule 9, *supra*.

**Rule 21. Applications for Reconsideration.**—Applications for reconsideration or reopening of the Bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, should be in the form of a motion, or petition, stating briefly, but specifically, the grounds upon which the application is based, and which, if true, would warrant a modification or reversal of the Bureau action. The motion should be accompanied by evidence sufficient, if true, to establish the grounds for reconsideration, or reopening, relied upon by the applicant, and by due proof of service of copies of the motion, or petition, and the supporting evidence upon the opposite party or his or her attorney.

**Proof of Service.**—Proof of service must be such as will satisfy the Bureau that the opposite party has been informed of the motion, or petition, and the supporting evidence, and may consist of, first, a written acceptance of service by the opposite party or his or her attorney of record; or second, a postal registry return receipt card signed by the opposite party or attorney of record, accompanied by an affidavit showing that on a certain date copies of the motion, or petition, and the supporting evidence were mailed in a registered letter, postpaid, to the opposite party or the attorney of record, addressed to a certain postoffice (naming it); and that the card was returned in acknowledgment of receipt of such letter; or third, an affidavit, showing that on a certain date and at a certain place copies of the motion, or petition, and of the supporting evidence were personally delivered to the opposite party or his or her attorney of record.

Applications for reconsideration, or reopening, not conforming to the foregoing requirements, or showing satisfactory reason why per-

sonal service cannot be made, will not be considered by the Bureau, but will be promptly returned to the applicant, or his or her attorney of record, for compliance therewith.

**Action upon Acceptance of Application for Reconsideration.**—Upon the acceptance by the Bureau of Pensions of an application for reconsideration, or reopening, the opposite party will be advised, and allowed thirty days within which to answer or demur thereto. Payment of one-half of the pension in question will be suspended, pending the consideration of the application, and such suspension will be continued for a period of thirty days from the date of receipt of notice of the bureau action upon the application, to permit the filing of an appeal, unless the right of appeal shall have been waived by the party in interest.

#### CLAIMS FOR SHARE OF PENSION PAID TO INMATES OF THE GOVERNMENT HOSPITAL FOR THE INSANE.

**Act of February 2, 1909.**—By the terms of this act, the pension accruing to an inmate of the Government Hospital for the Insane must be paid to the superintendent or disbursing agent of such hospital, and the money so paid shall be disbursed and used, under the regulations prescribed by the Secretary of the Interior, for the benefit of the pensioner, and in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named. All questions affecting the right of a claimant to a share of the pension of an inmate of the hospital are determined upon evidence submitted to the Commissioner of Pensions, in accordance with the practice obtaining in such cases. The findings of the Commissioner of Pensions upon the evidence are submitted to the Secretary of the Interior for approval, and, upon the latter's direction, the disbursing officers of said hospital will make proper distribution of the pension money to the dependents enumerated in said act.

**Applications for Allotment.**—Applications to the Commissioner of Pensions for allotment of a share of the pension in cases under the act of February 2, 1909, should be made under oath, and the applicant should state the relationship to the insane person, the certificate number of such person, if known, the aggregate value of all property owned by the applicant, as well as the sources of income and means of support of said applicant. All allegations should be sustained by the testimony of persons competent to testify from personal knowledge of the facts, and the witnesses should state their ages, means of knowledge of the facts to which they testify, and their postoffice addresses, giving the street and number, or rural free delivery route, if any. In case the application is made by the wife, she should furnish a certified copy of the public or church record of her marriage to pensioner, or, if no such record exists, the affidavit of the person who performed the ceremony, or the testimony of competent witnesses, who were present at the marriage, showing the date thereof. If either applicant or pensioner

had been previously married, the death or divorce of the former consort should be proved, in case of death, by a verified copy of the public or church record, or by the testimony of credible witnesses if no record of death exist; and, in case of divorce, by a certified copy of the decree of the court. If there was no prior marriage on the part of the applicant or the pensioner, this fact should be shown by the testimony of at least two credible witnesses who have known the applicant and the pensioner from the time they became of marriageable age.

**Relationship.**—In the cases of minor children or dependent parents, the relationship of the applicants to the pensioner must be satisfactorily shown.

**Evidence.**—The application and the evidence necessary to establish the claim should be filed at the same time.

#### CLAIMS FOR PAYMENT OF PENSION TO WIVES OF INSANE PENSIONERS, OR TO WIVES OF PENSIONERS UNDERGOING SENTENCE OF IMPRISONMENT.

**Act of August 8, 1882.**—Where an insane invalid pensioner has no guardian and has a wife or children dependent upon him, the wife being a woman of good character, the Commissioner of Pensions is authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly executed voucher, or, if there is no wife, to the guardian of the children, upon his properly executed voucher, and, in like manner, to make payment of the pension due invalid pensioners who are imprisoned for offenses against the law, to their wives, or the guardians of their children.

**Evidence.**—Under this statute evidence showing the pensioner's insanity or imprisonment, and, in the case of a wife, her good character, as well as the proof required in claims under the act of February 2, 1909, *supra*, must be furnished.

#### ACCRUED AND REIMBURSED CLAIMS.

**Act of March 2, 1895.**—An accrued pension is payable, under the terms of this act, whether the certificate issues prior or subsequent to the death of the person entitled to the pension, first, to his widow, second, if there is no widow, to his child or children under sixteen years of age, third, in case of a widow, to her minor children who were under sixteen years of age at the date of her death. No other person is entitled to receive the accrued pension, as a matter of right, nor is it considered a part of the assets of the estate of the deceased pensioner. It is not liable for the debts of the estate, in any case whatsoever, but inures to the sole and exclusive benefit of the widow or children. The proof necessary to establish a claim for accrued pension is identical with that required to establish the claim of a widow or minor child to original pension, in so far as the relationship of the claimant for the accrued pension and the pensioner is concerned. Full instructions will be given by the Commissioner of Pensions to an applicant for accrued

pension as to the character of the evidence necessary to establish a claim.

**Claim for Reimbursement.**—A claim for reimbursement may be made by the person who bore the expenses of the last sickness and burial of any pensioner who died, leaving no widow, or child under sixteen years of age, surviving, provided the pensioner did not leave sufficient assets to meet such expenses. An application for reimbursement should be accompanied by the following evidence:

(a) *Bills of All Expenses of Last Sickness and Burial.*—If paid by the claimant for reimbursement the bills must be properly receipted to said claimant. If unpaid, the parties to whom said bills are due should note on each bill, over their signatures, that they hold the claimant responsible for the payment. If the bill be for medical treatment it must show the dates of visits or treatment and the charge for each. A bill for nursing and care must show the dates between which the services were rendered, and the rate per day or week. The bill of the undertaker must be itemized, and show the date on which the services were rendered.

Each bill must show that the service was rendered for the pensioner on account of whom reimbursement is claimed.

All claims should be presented in the name of one person.

Bills which are forwarded become a part of the records of the Bureau of Pensions, and cannot be returned. Claimants should therefore secure duplicates of such bills if needed by them.

(b) *The Pension Certificate Which was Issued in the Name of the Pensioner.*—If such certificate is not in possession of the claimant a statement showing its whereabouts or final disposition should be made.

#### WITNESSES AND TESTIMONY.

**Declaration Before Attorney.**—A declaration executed before an officer who is claimant's attorney is accepted by the Bureau of Pensions as good and valid, but under the practice such magisterial act vacates any rights which may be conferred on him in the power of attorney therein embodied.

**Evidence Executed Before Person Who has Interest Therein.**—Evidence executed before an officer who is claimant's attorney or before any person who has a manifest interest therein will not be considered. It is held by the Secretary of the Interior, however, that evidence so executed, wherein the certificate of such officer contains a clause setting forth that "he is in nowise interested in the claim nor concerned in its prosecution" is good and valid, but the rights such officer may have had as attorney in the case are thereby abandoned. All certificates of executing officers should certify that they have no interest in the claim.

**Testimony of Persons Other Than Relatives.**—It is desirable that the facts required to be proved in the prosecution of a claim for pension should, if possible, be shown by the testimony of persons other than near relatives of the claimant.

**Best Evidence.**—Every fact required to be proved should be shown by the best evidence obtainable. Every witness should state whether he has any interest, direct or indirect, in the prosecution of the claim in which he may testify, and should give his postoffice address, with street and number, or rural free-delivery route, if any.

**Detailed Statement of Facts—Credibility of Witnesses.**—Witnesses should not merely confirm the statements of other parties, but should give a detailed statement of the facts known to them in regard to the matter concerning which they testify, and should state how they obtained a knowledge of such facts. The officer taking the deposition or affidavit should certify in his own handwriting as to his knowledge of the credibility of the witnesses. If they sign by mark, the signature must be attested by two witnesses who can write, and the officer must certify that the contents of their depositions or affidavits were read to them before he administered the oath.

**Interlineations and Erasures.**—It is desirable that affidavits should be free from interlineations and erasures. When an alteration is made in an affidavit, or an addition is made thereto, it must appear by the certificate of the officer who administered the oath that such alteration or addition was made with the knowledge and sworn consent of the affiant.

**Affidavits from Surgeons or Physicians.**—In all affidavits from surgeons or physicians it is desirable that the portion detailing the nature of the disability, dates of treatment, and date of death, symptoms and opinions as to connection between diseases or injury and disease, should be in the handwriting of the party by whom it is signed. The testimony of any person testifying as an expert should be prepared by some one professionally competent to do so.

**Official Certificates.**—The official certificates of judicial officers using a seal or of commissioned officers of the Army or Navy in actual service will be accepted without being sworn to, but all other witnesses must testify under oath.

#### COPIES OR ORIGINALS OF PAPERS.

**Papers or Exhibits.**—All papers or exhibits filed as evidence in claims for pension become a part of the record. Copies of same or originals can be returned only within the discretion of the Commissioner of Pensions upon application by the parties properly entitled thereto.

**Certified Copies of Declarations and Affidavits.**—Certified copies of declarations and affidavits on file in claims for pension will be furnished only upon the call of the court or the department wherein the same are to be used as evidence, and if for use in a court upon the following conditions:

**Suit—Parties—Court.**—The Bureau of Pensions should be advised of the nature of the suit, the names of the parties thereto, and in what court the action is pending.

**Evidence Material.**—The party who desires to use the certified copies should state what he expects to prove by them and make oath in due form that this evidence is material to his cause; that the object of its use cannot be attained by the substitution of any other evidence; that without it he may suffer irreparable injury, and that the United States government is not involved as a party to the action nor interested in the result thereof.

**Request from Judge.**—With such affidavit he should file a request from the judge of the court in which the action is pending for the production of such certified copies.

**Papers Should be Clearly Specified.**—The papers of which copies are desired should be clearly specified, and the name of the soldier upon whose service the claim was based, the designation of the organization in which he served, and, if possible, the number of the claim or the certificate should be stated, in order that the case may be identified and unnecessary delay avoided.

#### MISCELLANEOUS.

**Certificate of Service.**—Applications for certificate of service in lieu of lost discharge should be filed with the Adjutant General, United States Army, War Department, in Army cases, and with the Chief of the Bureau of Navigation, Navy Department, in Navy cases.

**Back Pay, Extra Pay, Bounty Money or Prize Money.**—Applications for back pay, extra pay, or bounty money for military service should be filed with the Auditor for the War Department; for bounty, extra pay, or prize money for naval services, with the Auditor for the Navy Department.

**Artificial Limbs or Mechanical Appliances.**—Applications for artificial limbs or mechanical appliances should be filed with the Surgeon General, United States Army, War Department.

### DOLLAR A DAY PENSION ACT.

**Pensions—Allowed at Age of Sixty-two for Service in Civil War—Allowed for Disability.**—Any person who served ninety days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years and served ninety days, thirteen dollars per month; six months, thirteen dollars and fifty cents per month; one year, fourteen dollars per month; one and a half years, fourteen dollars and fifty cents per month; two years, fifteen dollars per month; two and a half years, fifteen dollars and fifty cents per month; three years or



over, sixteen dollars per month. In case such person has reached the age of sixty-six years and served ninety days, fifteen dollars per month; six months, fifteen dollars and fifty cents per month; one year, sixteen dollars per month; one and a half years, sixteen dollars and fifty cents per month; two years, seventeen dollars per month; two and a half years, eighteen dollars per month; three years or over, nineteen dollars per month. In case such person has reached the age of seventy years and served ninety days, eighteen dollars per month; six months, nineteen dollars per month; one year, twenty dollars per month; one and a half years, twenty-one dollars and fifty cents per month; two years, twenty-three dollars per month; two and a half years, twenty-four dollars per month; three years or over, twenty-five dollars per month. In case such person has reached the age of seventy-five years and served ninety days, twenty-one dollars per month; six months, twenty-two dollars and fifty cents per month; one year, twenty-four dollars per month; one and a half years, twenty-seven dollars per month; two years or over, thirty dollars per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, thirty dollars per month, without regard to length of service or age.

**For Service in Mexican War.**—That any person who has served sixty days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of thirty dollars per month.

**Date of Commencement—Present Pensioners and Applicants Entitled—Double Pensions Prohibited—Restriction.**—All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: Provided, that pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: Provided, that no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: Provided further, that no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this act.

§ 2. **Rank in Service not Considered.**—That rank in the service shall not be considered in applications filed hereunder.

**§ 3. Agents not Entitled to Compensation, Except.**—That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act, except in applications for original pension by persons who have not heretofore received a pension.

**§ 4. Provisions Extended to Certain Classes of Beneficiaries.**—That the benefits of this act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897.

**§ 5. Commissioner to Keep Record and Furnish Copies.**—That it shall be the duty of the Commissioner of Pensions, as each application for pension under this act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments.

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**§ 2. Secretary to Group Pensioners.\***—That the Secretary of the Interior is authorized in the payment of pensions to arrange the pensioners in three groups as he may think proper, and may from time to time change any pensioner or class of pensioners from one group to another as he may deem convenient for the transaction of the public business.

**Dates of Payments.**—The pensioners in the first group shall be paid their quarterly pensions on January 4th, April 4th, July 4th, and October 4th of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4th, May 4th, August 4th, and November 4th of each year; the pensioners in the third group shall be paid their quarterly pensions on March 4th, June 4th, September 4th, and December 4th of each year.

**Fractional Payments Authorized.**—The Secretary of the Interior is authorized to cause payments of pension to be made for the fractional parts of a quarter which may be made necessary by the transfer of a pensioner from one group to another.

**§ 3. Pensions to be Paid Without Separate Vouchers, Except—Checks to be Transmitted by Mail.**—That not later than January 1, 1913, persons shall be paid by checks drawn, under the direction of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the

\*Act August 17, 1912.

proper assistant treasurer or designated depository, except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the government. Such checks shall be transmitted by mail to the payee thereof at his last known address.

**Delivery of Checks Prohibited in Certain Cases—Checks to be Returned and Canceled.**—That postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mail to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried; and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned as herein provided on account of the death or remarriage of the pensioner shall be canceled.

§ 4. **Forging Indorsement, Uttering, etc.—Penalty.**—That whoever shall forge the indorsement of the person to whose order any pension check shall be drawn, or whoever with the knowledge that such indorsement is forged shall utter such check, or whoever, by falsely personating such person, shall receive from any person, firm, corporation, or officer or employee of the United States the whole or any portion of the amount represented by such check, shall upon conviction be punished by a fine of not more than one thousand dollars or be imprisoned not more than five years or both.

§ 6. **Payment to Inmates of National Home D. V. S. not Affected.**—That nothing in this act shall be construed as amending or repealing that portion of the sundry civil appropriation act for the fiscal year 1883 (Statutes at Large, volume 22, page 322) concerning the payment of pensions due inmates of the National Home for Disabled Volunteer Soldiers.

**Secretary of War and Secretary of Navy to Issue Certificates of Discharge, etc., in True Name—Exception.**—That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.

## TABLES OF RATES.

TABLE I.—*For simple total (a disability equivalent to the anchylosis of a wrist) provided by section 4695, Revised Statutes, United States.*

## ARMY.

	Per month.
Lieutenant-colonel and all officers of higher rank.....	\$30 00
Major, surgeon, and paymaster.....	25 00
Captain, provost-marshal, and chaplain.....	20 00
First lieutenant, assistant surgeon, deputy provost-marshal, and quartermaster.....	17 00
Second lieutenant and enrolling officer.....	15 00
All enlisted men .....	8 00

## NAVY AND MARINE CORPS.

Captain, and all officers of higher rank, commander, lieutenant commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant-colonel, and all of higher rank in Marine Corps.....	30 00
Lieutenant, passed assistant surgeon, surgeon, paymaster and chief engineer ranking with lieutenant by law, and major in Marine Corps.....	25 00
Master (now lieutenant), professor of mathematics, assistant surgeon, assistant paymaster, and chaplain, and captain in Marine Corps .....	20 00
First lieutenant in Marine Corps .....	17 00
First assistant engineer, ensign, and pilot, and second lieutenant in Marine Corps .....	15 00
Cadet midshipmen, passed midshipmen, midshipmen (now ensigns), clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers.....	10 00
All enlisted men, except warrant officers .....	8 00

TABLE II.—*Permanent specific disabilities.*

Disabilities	From July 4, 1864.	From Mar. 3, 1866.	From June 6, 1866.	From June 6, 1872.	From June 4, 1874.	From Feb. 28, 1877.	From June 17, 1878.	From Mar. 3, 1879.	From Mar. 3, 1883.	From Mar. 3, 1885.	From Aug. 4, 1886.	From Aug. 27, 1886.	From Feb. 12, 1889.	From Mar. 4, 1890.	From July 14, 1892.	From Jan. 16, 1903.	From Mar. 2, 1903.	From Apr. 8, 1904.
Loss of both hands.....	\$24.00				\$50.00		\$72.00					\$100.00				\$100.00		
Loss of both feet.....	20.00				50.00		72.00											
Loss of sight of both eyes.....	25.00				50.00		72.00											
Loss of sight of one eye, the sight of the other having been lost before enlistment.....					50.00		72.00											
Loss of one hand and one foot.....	\$20.00		\$25.00	31.25	50.00	\$25.00			\$24.00		\$30.00					60.00	100.00	
Loss of a hand or a foot.....			15.00	15.00												40.00		
Loss of an arm at or above the elbow or a leg at or above the knee.....			15.00	18.00	24.00				30.00		36.00					48.00		
Loss of either a leg at the hip joint or an arm at the shoulder joint, or so near as to prevent the use of an artificial limb.....								\$37.50			45.00	45.00				55.00	55.00	
Loss of leg at hip joint.....			15.00	24.00														
Loss of an arm at shoulder joint.....			15.00	18.00	24.00				\$37.50	45.00						55.00		
Total disability in both hands.....			15.00	18.00	24.00													
Total disability in both feet.....			20.00	31.25														
Total disability in one hand and one foot.....			20.00	24.00		36.00										60.00		
Total disability in one hand or one foot.....			15.00	18.00					24.00	30.00						40.00		
Total disability in arm or leg.....			15.00	18.00					24.00	30.00						40.00		
Disability equivalent to the loss of a hand or a foot (third grade).....			15.00	18.00					24.00									
Incapacity to perform manual labor (second grade).....			20.00	24.00					30.00									
Regular aid and attendance (first grade).....			25.00	31.25	50.00		72.00					\$72.00				\$50.00	\$40.00	
Frequent and periodical, not constant, aid and attend- ance (intermediate grade).....																		
Total disability.....			13.00									\$30.00				\$40.00		

<sup>1</sup> Seventy-two dollars from June 17, 1878, only where the rate was \$50, under act of June 18, 1874, and granted to date prior to June 16, 1880. First grade proper is \$60, amended by act March 4, 1880, which increases rate to \$72.

TABLE III.—*Rates fixed by the Commissioner of Pensions for certain disabilities not specified by law.*

	Per month.
Anchylosis of shoulder .....	\$12 00
Anchylosis of elbow .....	10 00
Anchylosis of knee .....	10 00
Anchylosis of ankle .....	8 00
Anchylosis of wrist .....	8 00
Loss of sight of one eye.....	12 00
Loss of one eye .....	17 00
Nearly total deafness of one ear.....	6 00
Total deafness of one ear .....	10 00
Slight deafness of both ears .....	6 00
Severe deafness of one ear and slight of the other.....	10 00
Nearly total deafness of one ear and slight of the other.....	15 00
Total deafness of one ear and slight of the other.....	20 00
Severe deafness of both ears .....	22 00
Total deafness of one ear and severe of the other.....	25 00
Deafness of both ears existing in a degree nearly total.....	27 00
Loss of palm of hand and all the fingers, the thumb remaining..	17 00
Loss of thumb, index, middle, and ring fingers .....	17 00
Loss of thumb, index, and middle fingers .....	16 00
Loss of thumb and index finger .....	12 00
Loss of thumb and little finger .....	10 00
Loss of thumb, index, and little fingers .....	16 00
Loss of thumb .....	8 00
Loss of thumb and metacarpal bone .....	12 00
Loss of all the fingers, thumb and palm remaining.....	16 00
Loss of index, middle, and ring fingers .....	16 00
Loss of middle, ring, and little fingers .....	14 00
Loss of index and middle fingers .....	8 00
Loss of little and middle fingers.....	8 00
Loss of little and ring fingers .....	6 00
Loss of ring and middle fingers .....	6 00
Loss of index and middle fingers .....	6 00
Loss of index finger .....	4 00
Loss of any other finger without complications .....	2 00
Loss of all the toes of one foot.....	10 00
Loss of great, second, and third toes.....	8 00
Loss of great toe and metatarsal.....	8 00
Loss of great and second toes .....	8 00
Loss of great toe .....	6 00
Loss of any other toe and metatarsal .....	6 00
Loss of any other toe .....	2 00
Chopart's amputation of foot, with good results.....	14 00
Pirogoff's modification of Syme's.....	17 00
Small varicocele .....	2 00
Well-marked varicocele .....	4 00
Inguinal hernia, which passes through the external ring.....	10 00

	Per month.
Inguinal hernia, which does not pass through the external ring.	\$ 6 00
Double inguinal hernia, each of which passes through the external ring.	14 00
Double inguinal hernia, one of which passes through the external ring and other does not.	12 00
Double inguinal hernia, neither of which passes through the external ring	8 00
Femoral hernia	10 00

Section 4699, Revised Statutes, provides that the rate of \$18 per month may be proportionately divided for any degree of disability established for which section 4695 makes no provision.

The act of August 27, 1888, provides a \$30 rate for total deafness and authorizes the Secretary of the Interior to grant such proportion thereof in cases of partial deafness as he may deem equitable. Act January 15, 1903, increases rate for total deafness to \$40. Rates on partial degrees not affected.

The act of March 2, 1895, provides that "all pensioners now on the rolls, who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to six dollars per month; and that, hereafter, whenever any applicant for pension would, under existing rates, be entitled to less than six dollars for any single disability or several combined disabilities such pensioner shall be rated at not less than six dollars per month: Provided, also, that the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rerating of any claim for any part of such period, nor prevent the allowance of lower rates than six dollars per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this act."

TABLE IV.—*Miscellaneous rates.*

## INVALID.

Indian wars:	Per month.
Acts July 27, 1892, June 27, 1902, and May 30, 1908....	\$ 8 00
Mexican War:	
Act Jan. 27, 1887 .....	8 00
Acts Jan. 5, 1893, and Apr. 23, 1900, certain survivors..	12 00
Act Mar. 3, 1903, all survivors .....	12 00
Act Feb. 6, 1907—	
At 62 years .....	12 00
At 70 years.....	15 00
At 75 years or over .....	20 00
Civil War:	
Act June 27, 1890, in its original form, and also as amended by the act of May 9, 1900.....	6 00-12 00

Act Feb. 6, 1907—	Per month.
At 62 years .....	\$12 00
At 70 years .....	15 00
At 75 years or over .....	20 00
Army nurses:	
Act Aug. 5, 1892.....	12 00
Navy service pensions:	
Sec. 4756, R. S., for 20 years' service, one-half the pay of rating at discharge.	
Sec. 4757, R. S., for 10 years' service, not to exceed the rate for total disability.	

### WIDOWS AND MINORS.

Revolutionary War:	
Act Mar. 9, 1878, widows only.....	\$8 00
Act Mar. 19, 1886, widows only.....	12 00
War of 1812:	
Act Mar. 9, 1878, widows only.....	8 00
Act Mar. 19, 1886, widows only.....	12 00
Indian wars:	
Acts July 27, 1892, June 27, 1902, and May 30, 1908, widows only.....	\$8 00
Act April 19, 1908, section 1, widows only.....	12 00
Mexican War:	
Act Jan. 29, 1887, widows only.....	8 00
Act Apr. 19, 1908, section 1, widows only.....	12 00
Civil War:	
Sec. 4702, R. S., widows and minors, same rates as in Table I.	
Act Mar. 19, 1886, widows and minors.....	12 00
Act June 27, 1890, in its original form, and as amended by the act of May 9, 1900.....	8 00
Act Apr. 19, 1908.....	12 00

From and after July 25, 1866, a widow is entitled, under the provisions of section 4703, Revised Statutes, to the sum of \$2 per month additional on account of each legitimate minor child of the deceased soldier or sailor, in her care and custody, until such child reaches the age of 16 years. Where the widow has died, remarried, or has no title, the minor children under 16 years of age succeed to the widow's rights.

In claims under the act of June 27, 1890, both in its original and amended forms, the additional pension of \$2 per month is granted. In addition provision is made in said act for the continuance of pension granted to an insane, idiotic, or otherwise physically or mentally helpless minor child, during its life or during the period of disability. This proviso is applicable to minors' claims under any statute.



## DEPENDENT RELATIVES.

Per month.

Sec. 4707, R. S., in its original form, and as amended by section 1, Act June 27, 1890, same rates as in Table I.

Act Mar. 19, 1886..... \$12 00

## POSTAL SERVICE.

## ORGANIZATION.

**Congress.**—Congress is the ruling head of the United States post-office. It defines the limits of what can and cannot be done, leaving to the Postoffice Department the duty of formulating regulations and organizing the machinery by which its will may be carried out.

**Postmaster General.**—The executive head of the postoffice system is the Postmaster General. Assisting him, and, under him, controlling the different branches of the service, are the four Assistant Postmasters General. Advising him is the Assistant United States Attorney General for the postoffice, a member of the Department of Justice; and checking his accounts is the Auditor for the postoffice, a member of the Treasury Department. Attached to his own office is the Chief Inspector, through whom, and the Inspection Division, he keeps in touch with the whole fabric of the system.

**Postoffice Department.**—These offices form what is known as the Postoffice Department as distinguished from the postoffice service at large.

**First Assistant Postmaster General.**—The First Assistant Postmaster General handles the appointment of postmasters, the establishment of new offices, the establishment and control of free delivery (carrier delivery), the general supervision of postoffice employees, their appointment and separation from the service, their pay-rolls and the allowances for expenditures in the various postoffices.

**Second Assistant Postmaster General.**—The Second Assistant Postmaster General handles the Railway Mail Service and all its employees, the relation of the Department to all modes of transportation, and the foreign mails.

**Third Assistant Postmaster General.**—The Third Assistant Postmaster General handles the finances, the stamps, their manufacture, sale and redemption, the money order system, the registry system, the postal savings system, and all matters of classification, including the second-class privilege for newspapers and the use of the permit privilege, or payment of postage in money, for third-class matter, and parcel post packages.

**Fourth Assistant Postmaster General.**—The Fourth Assistant Postmaster General handles the supplies of the Department, the Dead Letter Division, the rural delivery and rural carriers, the control and establishment of rural routes, and the control and establishment of star (mostly stage) routes.

**Assistant Attorney General.**—The Assistant Attorney General for the Postoffice Department handles all questions involving the construction of the postal laws and regulations, questions of lotteries, of prohibitive and unmailable matter, of scurrilous, obscene or defamatory matter, and of the delivery of mail in dispute.

**Chief Clerk.**—The Chief Clerk of the Postoffice Department attached to the Postmaster General's office handles all matters of general information.

**Auditor and Chief Inspector.**—The Auditor and the Chief Inspector, except in special cases, deal only with the service.

**Publications.**—The Chief Clerk of the Postoffice Department also handles the distribution of such publications, maps and guides as the Postoffice Department issues for the information of the public. These publications include:

Post route maps of the different states containing the location of all postoffices and mail routes, with such other information as is appropriate.

The Postal Guide, an annual publication with twelve monthly supplements, containing lists of all postoffices and general information regarding the service. This is furnished for \$3 a year, which includes the annual guide and all supplements. The annual guide alone may be purchased for twenty-five cents.

Parcel Post maps, showing the different units of area and zone lines for the regular postoffice desired (see parcel post zone system) and the Parcel Post Guide, showing the unit of area in which each postoffice is located. General information regarding the parcel post system is also included. Both are issued for seventy-five cents, the map alone for forty cents and the guide for thirty-five cents.

**Postoffices.**—Postoffices are divided into first, second, third and fourth class offices. The first, second and third classes are known as Presidential postoffices, their postmasters being appointed by the President, the appointment being confirmed by the United States Senate. Fourth-class postmasters are appointed by the Postmaster-General without confirmation. The division into classes is determined by the receipts of the office.

Every large postoffice is divided generally into a division of finance, of money orders, of dispatch of mail, of delivery of mail, and of registry of mail, with an executive division controlling all. Parcel post is included in the dispatch and delivery. The postal savings system is included in the department of finance.

When large enough, postoffices are supplemented by stations designated as regular and contract stations. A regular station is always designated by a letter or a name. A contract station is designated by a number. Regular stations are equipped to transact all classes of postoffice business. The work is handled by regular employees of the postoffice. Contract stations are handled by persons not regularly em-

ployed by the Department, who are under special contract to conduct the station, presumably in connection with their other business, for a fixed sum per year. Contract stations are intended to be a convenience only. They handle no ordinary mail and do no postal savings business. They sell stamps (ordinary, special and postal savings), register mail, issue money orders, and, when specially designated, do a parcel post business. Except under special arrangement they do no foreign money order business.

It is obvious that when transacting postoffice business of any particular nature, or involving any special knowledge of the service, patrons should go to a regular station or to the main office.

Postoffices may be established wherever the Postmaster General deems expedient. A postoffice will not be established in a bar-room or in any room directly connected therewith, and mail must not be opened or delivered in any room in which liquor is sold at retail, except in the case of a drug-store where liquor is sold for medicinal purposes only.

Postoffices must not be allowed to become resorts for loungers or disorderly persons, or the scenes of disputes or controversies. Whenever necessary, postmasters are instructed to call on the civil authorities to preserve order and if this call be disregarded the office will be closed. Smoking may be prohibited in the lobbies. In large postoffices it is usually the custom to forbid persons to watch callers at the general delivery windows.

**Postmasters.**—Postmasters are independent of each other. They are advised and controlled by the Postoffice Inspector in charge of the district and the Superintendent of the Railway Mail Service division in which they are, but their responsibility lies directly to the Postoffice Department. Postmasters must be citizens or must have declared their intention to become citizens, and they must live in the city or town in which their office is located. They may deliver mail arriving after 9 P. M., but they are not obliged to do so. They are forbidden to give out any information regarding mail or addresses. They are warned not to give information concerning mail matter over the telephone unless the voice be recognized, and even then they do so at their own risk. They are forbidden to give any testimonial, recommendation or indorsement and they are not allowed to try mechanical devices submitted for experimental purposes by persons outside the service, unless by permission of the Department. They are responsible for their offices until their successors have been installed. Their sureties may examine their accounts but must not examine mail or addresses in their care.

### MAIL MATTER.

**Mail.**—The first business of the postal system is to handle mail. Mail may be designated generally into two classes—domestic and foreign. Each branch has its own peculiar regulations but there are some matters that are common to both. These will be considered first. The special regulations for each will be taken up under separate headings

under the designations "Domestic" and "Foreign." The parcel post system will be taken up by itself.

**Inviolability of Seal.**—No postoffice inspector, postmaster, or any other persons connected with the postal service, except those employed for that purpose in the Division of Dead Letters, in Washington, D. C., has authority to break the seal of any sealed matter passing through the mails.

**Preparation of Mail.**—There are many ways in which mail may be prepared for posting which, without adding cost or trouble to the sender, will greatly assist the postoffice in handling the mail, and consequently will insure for it a quicker dispatch.

All mail should be legibly addressed to street and number, if possible, or to a box number, and to postoffice and State. All mail should bear the address of the sender. This should be upon the front of the envelope, preferably in the upper left-hand corner, and a request to return it in a certain number of days, not less than three, in case it be found impossible to deliver it. It takes time to search for a return card on the back of an envelope; also it is often overlooked.

Advertising matter must not be printed upon an envelope in such a manner as to encroach on the space necessary for a clear and legible postmark or address.

Stamps should be placed on the upper right-hand corner of the envelope. To place them elsewhere means that they will not be canceled by the mechanical canceling machines in use in large offices, and will cause annoyance to the clerks and delay to the mail by making it necessary that they be specially canceled by hand.

There should be space on the address side for all permissible notations of the postoffice, such as rating, carriers' notations for failure to deliver, etc., and any words necessary for forwarding or return.

Newspapers and periodicals must be wrapped in such a manner that the wrappers can be removed and replaced without destroying or injuring their inclosures.

Third-class matter must be placed either under band, upon a roller, upon boards, in a case open at one side or end, in an unsealed envelope, or wrapped so as to be easily examined; or it may be tied with a string. Address cards and all printed matter in the form of an unfolded card may be mailed without band, envelope, fastening or fold. When matter is so wrapped as to prevent examination it may be subject to the first-class rate.

Stickers bearing a resemblance to postage stamps in their ordinary form, or bearing numerals, are forbidden on all classes of matter, either on the address side or on the reverse side. Stickers that have no resemblance to stamps and do not bear numerals may be placed upon the back or reverse side of mail matter. As a matter of fact it is better not to use stickers at all. Many foreign countries forbid them altogether.

In all cases directions for transmission, delivery, forwarding or return shall be deemed a part of the address.

Upon matter of the third class the sender may write his own name, occupation, residence, or business address, preceded by the word "From," and may make marks other than by written or printed words to call attention to any word or passage in the text, and may correct any typographical errors.

A simple manuscript dedication or inscription not of the nature of personal correspondence may be placed upon the blank leaves or cover of a book, or photograph, or printed matter. Also, on third class or parcel post, on the package, wrapper or envelope, or on the tag or label attached thereto, there may be placed either in writing or otherwise the words "Please do not open until Christmas," or words to that effect.

Post mail early; three or four times a day at least. Put a return address on everything. Keep large mailings faced. If addressed from mailing lists, tie them up in towns, using twine or rubber bands, or envelope boxes. If made up from the register of voters, tie them up in precincts. Bring large mailings to the nearest regular station. It delays them, and other mail, to crowd them into street letter boxes.

Do not use too much moisture in sealing envelopes or they will stick together, and will be missent. A large percentage of the cases of mis-sending and of delay are due to the fact that the envelope has adhered to another, oozing paste, and has gone to the address on the upper envelope before being separated.

Use standard size envelopes unless their use is impossible.

**Window Envelopes.**—Mail may be inclosed in window envelopes when they conform to the following conditions: The window shall be not larger than  $5\frac{1}{2}$  inches by  $1\frac{1}{2}$  inches, and must not occupy any space within  $1\frac{3}{8}$  inches of the top or  $\frac{3}{8}$  of an inch from the bottom or ends; the windows shall not be colored and shall be made or located so as to be as transparent as possible. (These two provisions will be effective January 1, 1914.) Window envelopes must bear the return cards of the senders; a complete address must be exposed, and the address must be legible or the envelopes will be laid aside for treatment after the disposition of other mail. Should the address not be legible on close scrutiny the envelopes will be returned to the senders. Nothing but the address should show through the window.

To insure legibility in the address the inclosure should be of white paper and the address should be written or printed in black ink or typewritten with an unfaded ink ribbon so there will be a strong contrast between the inclosure and the address.

**Letters Opened by Mistake.**—A letter that has been opened inadvertently or upon a wrong delivery should be indorsed "Opened by Mistake," with the name of the one so opening it. Such letters may be returned to the writer without additional charge of postage when they bear a card or return request. Postmasters are not allowed to open letters to ascertain the name and address of the writer.

**Unmailable Matter.**—Unmailable matter includes all matter which is by law, regulation or treaty stipulation prohibited from being trans-

mitted in the mails, or by reason of ineligible, incorrect or insufficient address, it is found impossible to forward to destination. Unmailable matter is divided into the following classes:

a. Matter which is insufficiently prepared to entitle it to be dispatched in the mails.

b. Matter without address or so incorrectly, insufficiently or ineligible addressed that it cannot be transmitted to its destination;

c. Matter which from its harmful nature is forbidden to be in the mails. Among these are poisons, explosives or inflammable articles, vinous, spirituous and malt liquors; and matter liable to decomposition. (See Parcel Post—Unmailable).

d. Obscene matter. This embraces every obscene, lewd or lascivious and every filthy book, pamphlet, picture or paper, writing, print, or other publication of an indecent character; every article or thing designed or intended for the prevention of conception or to procure an abortion; every article or thing adapted or intended for any indecent or immoral use; every written or printed card, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where, how, or from whom, or by what means any of the hereinbefore mentioned matters, articles or things may be obtained or made. It will be noted that this matter is unmailable whether sealed or exposed to view.

e. Every letter upon the outside of the envelope of which, or postal card upon which, or any outside cover or wrapper upon which indecent, lewd, obscene or lascivious delineations, epithets, terms or language may be printed or written; or upon which there is anything written or printed of an obscene, libelous, insulting, scurrilous, defamatory or threatening character or calculated by the terms or language or style of display and obviously intended to reflect injuriously upon the character or conduct of another. It will be noted this refers only to such matter as is unsealed or exposed to view.

f. Letters and circulars known to be concerning lotteries, so-called gift concerts or similar enterprises offering prizes, or concerning schemes devised or intended to deceive and defraud the public for the purpose of obtaining money under false pretenses.

g. Publications violating copyrights granted by the United States.

h. Postal cards or letters bearing upon their outside evidence of being a request for a past due account; otherwise, dunning letters or cards. Cards calling for accounts due in the future, such as statements, notices of dues for fraternal orders, etc., before due and delinquent, are permissible. Card notices of suit containing the names of both parties and the date of trial, are mailable.

i. Cards bearing particles of glass, metal, mica, sand, tinsel, or other similar substances, are unmailable except when inclosed in envelopes or when treated in such manner as will prevent the objectionable substances from being rubbed off or injuring persons handling the mails.

This applies also to all classes of mail matter as well as to post cards.

j. Lotteries, and all matter pertaining to them, are prohibited. This includes newspapers that advertise lotteries, or run news accounts of lotteries, or lottery drawings. This prohibition, however, has so far been confined only to newspapers offered for transportation through the mails—the mailing editions. The postoffice does not interfere with editions that are sold on the street, delivered by carrier or transported by means other than the mails.

k. Collection agency mail bearing any evidence of its character, except a single return card of the regulation size, is prohibited; and even when otherwise not objectionable, if the envelope be of lurid or conspicuous color, it is unmailable. It has been held that an envelope bearing an eye over the collection agency's return card, also shackles and chains, and the representation of a prison cell, is unmailable. Also the Department has ruled that a collection agency's return card must not be printed on an envelope in a manner unnecessarily conspicuous or in a type larger than ordinarily used for a return request.

**Lotteries.**—A lottery is a contest or an opportunity to win a prize, the prize being awarded in any manner in which chance is an essential element, or in which there is any uncertainty, either as to who will win, or what particular prize will be won by any particular contestant. This includes all guessing contests, raffles and drawings or contests where a matter of judgment may supply the element of chance, as in limerick or poetry contests.

Card parties, where prizes are awarded, and where a fee for entrance or for play is charged, are lotteries.

Endless chain enterprises designed for the sale or disposition of merchandise or other things of value are held to embrace the elements of a lottery, also they are held to be fraudulent. It has also been held that an endless chain prayer, containing a threat of retribution should the chain be broken and the prayer not continued, is unmailable.

**Fraud Orders.**—Fraud orders are issued by the Postoffice Department against any person or firm using the mails for an illegal purpose. Mail addressed to a person or firm against whom a fraud order has been issued will not be delivered. It will be returned to the sender marked "Fraudulent," or in default of a return address it will be sent to the Dead Letter Office in Washington, D. C.

Money orders drawn in favor of such persons or firms will not be cashed for them. Advertisements of persons or firms against whom a fraud order has been issued will not be permitted in newspapers carried through the mails.

**Rulings.**—Postmasters are not allowed to give any opinion or ruling as to the mailability of any matter under these regulations. Matters of this kind must be taken up with the Postoffice Department.

**Delivery of Mail.**—The aim of the postal service is to deliver mail, not to hold it, so it is deemed that as soon as a letter is placed in the care of the service the addressee has a definite right to have it delivered to him, and a good reason must be assigned before delivery to

him or his accredited representative can be prevented. Therefore, regulations are to be construed with a view to facilitate delivery rather than to hamper it.

It is the general rule that the responsibility of the postoffice ceases when mail is delivered as addressed or at the place of usual delivery.

**Regulations Governing Delivery.**—In general, the regulations governing delivery are as follows:

**To Individuals.**—Mail is supposed to be delivered to the person addressed, or to someone known to be a responsible agent for him, such as a relative, a known servant, someone in possession of his residence or place of business, or someone bearing his written order or evidence of authority to act for him.

**In Care.**—Delivery may be made either to the addressee or to the one in whose care the mail is addressed. An address "in care of" does not of itself give the right to open mail by the one in whose care it is addressed.

**To Husband and Wife.**—Neither husband nor wife can control delivery of mail addressed to the other. When so instructed, the postmaster must refuse to deliver letters to the husband which are addressed to the wife, or those to the wife which are addressed to the husband. In the absence of instructions to the contrary, the wife's letters may be placed in the husband's box or delivered to him with his own letters unless they be known to live separately.

**To Minors.**—Where minor children reside with their parents, the father, or if he be dead, the mother generally is entitled to direct the disposition of mail matter addressed to such minors, and unless the minors be under guardianship, may authorize another to receive mail matter addressed to them, although they be not residing with the parent; and postmasters will deliver mail accordingly, requiring directions in writing if deemed necessary. In the absence of directions from the parent or guardian, or one authorized to control a minor, mail matter may be delivered to such minor. When a minor is not dependent upon a parent for maintenance and support, and does not reside with a parent or guardian, he has the right to control his own correspondence.

**To Students.**—At colleges and similar institutions where students have been placed in charge of the principal by their parents or guardians, and where the rules of the institution provide that the principal shall have control of mail addressed to such students as are minors, delivery will be made in accordance with the order of the principal. If, however, the principal has no authority from the parent or guardian to control mail of the children placed under his care (which authority is understood by an acceptance of the rules, that being one), the delivery must not be made to the principal against the wishes of the scholar.

**For Deceased Persons.**—Mail addressed to a deceased person must be delivered to his legal representative. In default of such, delivery may



be made to a surviving husband or wife unless there be other claimants, in which case the matter must be referred to the Department. Mail addressed to a deceased minor may be delivered to the parent or guardian, or if there be such, to the surviving husband or wife.

**In Apartment Houses.**—Mail will be delivered to private mailing boxes in an apartment house, or to some responsible person on the lower floor, who will accept and care for all mail coming to the house. It will not be delivered above the first floor.

**In Hotels.**—Mail is considered properly delivered when left at the hotel office.

**In Dispute.**—When mail is claimed by more than one addressee, it is "in dispute." The postmaster will then refuse to deliver such mail to anyone, but will hold the mail pending the appointment of a disinterested party by the disputants, to whom the mail can be delivered and who will turn it over to the proper party. In default of the appointment of such disinterested party within thirty days, he shall mark "In dispute" all mail received for the disputed address, such mail as bears a return address being returned to the senders, and the remainder being sent to the Dead Letter Office. Also, a statement of the case will be submitted to the Postoffice Department for decision, or the postmaster will await the decision or order of a court.

**As Addressed.**—In all cases of dispute or similarity of name, where more than one address is involved, the address shall govern, and mail shall be delivered at the street number to which it is addressed. Thus mail in dispute, addressed to a certain firm indefinitely, that is, not to street and number, shall not be delivered except as set forth, but when each disputant shall establish a street address of his own, mail addressed to such street address is presumed to have been intentionally so addressed, and will be delivered to the street address it bears.

**To Business Firms.**—Mail for a business firm may be delivered at the office of the firm or to anyone apparently in charge. It may be delivered to any officer of a corporation, or to any partner in a copartnership. Its delivery may be controlled by any officer of a corporation, entitled to use the seal, generally the president or secretary, or both, or by any member of a copartnership.

**By Title.**—When addressed to "President," "Secretary," "Superintendent," etc., it will be delivered to the person holding that office at the usual place of delivery, regardless of the name of the person addressed.

**To Agents.**—Mail addressed to persons as agent will be delivered to the person holding such position when the agency is of some public matter or of the business of some corporation, but not when the agency is merely of an individual or firm.

**Priority of Name.**—In case two firms of the same or similar names, claim mail addressed by name only, it shall be delivered to the one longest using the name in question.

**To Receivers or Assignees.**—Mail will be delivered to the assignee or receiver of a firm, corporation or individual when the instrument of assignment authorizes such delivery, and a copy is filed with the postmaster; or when the order of court appointing such receiver directs him to receive it; or when the assignor consents that he shall receive it; or when the assignor has not resumed business under the same name, so that he may have correspondence not relating to business or property under assignment; or when the receiver has been appointed to take charge of, continue, or wind up the business of an existing corporation. Mail matter addressed to a firm or person under assignment shall be delivered to the assignor when it reasonably appears that the matter does not relate to the business assigned; or when the assignor has not consented to the delivery to the assignee; or when the order of court directs that it shall be delivered to the assignor.

**On Agreement.**—When parties interested in mail matter agree as to its delivery, and instruct the postmaster as to whom he shall deliver it, he will deliver accordingly until his instructions have been changed by mutual consent of the parties, or until instructed to do so by order of court.

**Under Sale.**—Where a business is sold, delivery of mail will be made according to the agreement entered into by the parties. In default of such agreement, the postmaster will make delivery according to the directions of the vendor, or the plain provisions of the contract of sale, but he must not construe contracts or determine rights. In the absence of directions by the vendor, or any provisions in the contract of sale, delivery will be made to the addressee. The authority of the vendee to receive mail is not revocable by the vendor if there be a right to the mail in the vendee.

**On Order.**—Any number of persons may employ an agent and give him a written order on the postmaster for their mail. Mail for such parties and mail addressed in care of such parties will be delivered to the agent named, responsibility of the postmaster ceasing on such delivery.

**Under Suit.**—Where mail is the subject of suit, the postmaster will deliver it according to the decree of the court.

**To Fictitious Addresses.**—Mail addressed to fictitious persons or firms, to initials or to no particular person or firm, unless directed to be delivered at a designated place as a postoffice box, street and number, or to the care of a certain person or firm within the delivery of the postoffice cannot be delivered. Whenever a postmaster has reason to believe that a street or number, designated place, box or address in care of another, is being used by anyone for conducting under a fictitious address, correspondence forbidden circulation in the mails, he must at once report it to the Postoffice Department.

A person engaged in a legitimate business may adopt a business name and when duly identified may receive his mail, registered or ordinary, by that name as well as by his proper name.

**To Diseased and Infected Houses.**—Mail matter addressed to houses containing cases of contagious diseases may be sent to the addressees by the hands of some responsible person known to the postmaster. He will refuse to receive mail from such houses.

**Sunday Delivery.**—By act of Congress postoffices are closed on Sunday except for special delivery mail and mail for hotels, newspapers and newspapers for news agents. Also, under certain circumstances the general public may get mail by making application therefor.

In making this application, the postoffice of origin must be given and the letter described as closely as possible so that it can be found in the mails with the least possible expenditure of time. The application for Sunday mail must be accompanied by a special delivery stamp for each piece of mail desired. This stamp will be affixed to the piece of mail and it will be delivered by special delivery messenger as addressed or to any address that may be given for delivery in the request for Sunday mail. These requests for Sunday mail must be indorsed "Application for Sunday mail" so that they may be readily found in the mail for the postmaster and may not lie over until the following Monday if his office be closed on Sunday. Also, they should be in the postoffice early Saturday evening in order to give the clerks ample time in which to locate the mail and prepare it for delivery. This applies to box holders and general delivery patrons as well as to patrons served by carrier.

**Debtors' Mail.**—A postmaster has no right to withhold the delivery of mail on the ground that the addressee is indebted to him.

**Prisoners' Mail.**—A letter addressed to a person imprisoned to await trial upon indictment or pending indictment should be delivered in accordance with the order of the person addressed. In the absence of an order the mail may be delivered to the sheriff or officer having charge of the prisoner.

**To Several Persons.**—Mail matter addressed to several persons may be delivered to any one of them.

**Methods of Delivery.**—There are five ways in which the Postoffice Department effects delivery of mail. These are: Free delivery (by city carriers); special delivery (by special messengers); general delivery, box delivery, and delivery on rural routes by rural carriers.

**Free Delivery.**—Free delivery is the term applied by the Department to the delivery of mail by city carriers. Under the regulations, letter carriers shall be employed at every incorporated city containing a population of 50,000, and they may be employed at other cities or towns containing a population of not less than 10,000, or at any postoffice which produced a gross revenue for the preceding fiscal year of not less than \$10,000.

Applications for the establishment of free delivery should be addressed to the First Assistant Postmaster General. They should give the population of the city according to the last United States census, and the gross revenue of the office for the preceding fiscal year. It is also required that the streets upon which the carriers will be employed

shall be graded and lighted, that there shall be good sidewalks; that the houses shall be numbered and the names of the streets posted up, and that mail receptacles shall be provided, or slots shall be cut in the doors, so that delivery may not be delayed.

**Letter-carriers.**—Carriers are assigned to definite routes and fixed schedules. They may not deviate from either. Their hours of work are limited to eight, and these eight must be completed within ten hours from the time they report for duty. They are forbidden to loiter or lose time on their routes, to enter houses, except places of business and then they may go only a reasonable distance from the entrance, and must not go above the street floor. They are not allowed to give information about mail or addresses. They are responsible for the exercise of all due and reasonable care in the delivery of their mail, and they are expected to use discretion in the case of evident mistakes. They may purchase stamps and register mail for patrons on their routes when to do so will not unduly delay them or interfere with the service on their districts.

They are not compelled to enter where vicious dogs are kept, or where there is contagious disease. They are expected to be civil, prompt, courteous and obliging at all times. The service will protect them from insult and assault by statutes that provide a fine and imprisonment for the offender. They are not allowed to put mail under a door unless written instructions have been given to that effect. They are not allowed to deliver mail to patrons when meeting them on their routes. They are supposed to deliver all mail at a known place of business or residence. Unless there is a private mailing box or a slot in the door, or written orders have been given to slip mail under the door, and this is possible, a carrier on finding a place closed will return all the mail for that address to his station and take it out again on a subsequent trip. If in doubt, he will insist on proper identification before delivering mail. A definite address will generally govern his delivery of mail, but need not do so if he has reason to suspect error.

**Special Delivery.**—Special delivery is furnished at all offices and will insure the delivery of mail immediately upon its receipt. At offices not free delivery offices, special delivery will be made at any point within a mile of the postoffice. At free delivery offices special delivery service will be given to any point within the delivery of the office.

By regulation the hours of special delivery are set at from 7 A. M. to 11 P. M., 11 P. M. being the closing time of the special delivery office and not of the special delivery of letters. All letters arriving before 11 P. M. will be delivered that night. Special delivery service is given for a fee of ten cents in stamps, either the special delivery special stamp or ordinary stamps, these in addition to the necessary postage on the mail. Should ordinary stamps be affixed to the mail matter it is necessary to indorse it "Special Delivery"; otherwise the extra fee will be taken as an intention to register the piece and it will be registered.

The fee for special delivery gives the piece but one attempt at such delivery. If for any reason the attempt at special delivery fails, the

piece will be placed in the ordinary mail and be delivered by carrier or general delivery, as the case may be, as soon as possible.

Special delivery mail forwarded before special delivery treatment has been given it, will be delivered by special delivery at the office to which it has been forwarded. If given special delivery at the office of address it will not be given special delivery treatment elsewhere. The signature of the addressee or his agent or some responsible person who will deliver it to him is a necessary part of the delivery of special delivery mail. (See Sunday Delivery.)

**Box Delivery.**—The use of a box is restricted to the renter thereof and those connected with him in a family or business way.

Mail addressed to members of the household of a box-holder, including visitors, servants, and transient and temporary boarders, or in his care, and mail for confidential or official employees may be placed in his box.

A firm renting a box may have placed therein all mail addressed to its name and mail addressed to any of its official employees. By the consent of all the members of a firm, any member thereof may have mail addressed to himself or members of his family deposited in the box assigned to its use.

Where a box is rented by a corporation, association, or society, mail for its officials may be placed therein.

Mail matter addressed to students and employees at a college, seminary, or school, who board therein, or to inmates or employees of any public institution, may be placed in the box rented by such college, school, or institution, if consistent with the usage and rules thereof.

Mail addressed to guests or transient boarders at a hotel or boarding house, should be placed in the box assigned to such hotel or house, or to the proprietor thereof.

Mail addressed to merely the number of a box may be delivered to the holder thereof so long as no improper or unlawful business is conducted in this manner.

Bills and circulars must not be placed in boxes by postmasters for themselves personally, or anyone else, without payment of regular postage thereon.

Postmasters may hand out mail from lock boxes or drawers where the holder or such person as may be authorized to take the mail has forgotten the key or cannot open the box and when such applicant is known or can be identified.

Postmasters will keep careful scrutiny over the list of box-holders in order that a box be not used for an unlawful purpose. A postmaster will require identification of an applicant for a box and will make careful inquiry as to the nature of his business.

The locks on all boxes surrendered, when locks are used, are changed before the boxes are rented again in order that the new box-holder may be protected from the use of any keys the former box-holder may have retained in his possession.

**General Delivery.**—General delivery is the most uncertain method of delivering mail and, in a free delivery office, should not be resorted to except under the most exceptional circumstances.

When callers are not known they must be prepared to identify themselves.

**Rural Routes.**—Rural routes are established on petition of those patrons living along or near the roads over which it is desired the route shall operate. A route of twenty-four miles or more should have one hundred families upon it, and one of a shorter length should have a proportionate number of deliveries. The road over which the route is to be established must be in good condition, free from gates (except automatic gates) and must be bridged over every stream not fordable at all ordinary seasons. Service will generally be performed daily except Sundays, but may be reduced to a tri-weekly service when the number of patrons or a decrease in the amount of mail handled makes such reduction advisable. All routes must start from a postoffice. Persons living within a quarter of a mile of a postoffice from which a route starts will not be given service on the route unless by specific instructions from the Department. When such postoffice is an incorporated city or town rural delivery will not be established within the limits of that town. Persons residing within the corporate limits of a city where free delivery is in operation may be served by rural carrier.

All persons served by rural carriers must place boxes of an approved design—weatherproof and properly safeguarded against depredations. Rural delivery is governed by the same rules as govern other deliveries.

**Undelivered Mail.**—Mail matter found undelivered at the address on the envelope is placed in the general delivery and held there a certain length of time awaiting possible request for it. At the end of that time first-class mail is advertised, a fee of one cent being charged for such advertisement upon delivery of the mail. Lists of advertised letters are kept on view at all postoffices. First-class mail remaining undelivered after advertisement is sent to the Dead Letter Office at Washington, D. C., where it is opened and if the contents furnishes information as to the address of the sender it is forwarded to him for delivery. Undelivered matter of the second class is destroyed or under a recent ruling of the Postoffice Department, in the case of magazines or newspapers of general interest, it may be given to charitable institutions, hospitals, etc., the publisher being notified that the address to which it is coming is an undeliverable one.

Undelivered mail matter of the third class, unless of obvious value, is destroyed. If of obvious value and it bears the address of the sender, or even if not of obvious value and it bears the address of the sender with a guarantee to pay return postage, the sender will be notified that it is being held and it will be handled according to his order.

**Return of Mail to Sender.**—Undelivered matter of the first class (except single postal cards and post cards) bearing the name and address of the sender without a return request specifying the number of days,

will not be advertised but will be returned to the sender at the expiration of five days if intended for delivery by city or rural carrier, ten days if intended for general delivery service at an office having city carrier service, fifteen days from offices not having city carrier service unless intended for delivery by rural carrier.

If the mail bears a stated number of days in which the sender desires return (not less than three days being allowed), the mail will be returned at the expiration of that time.

Unpaid, misdirected, unmailable and unclaimed domestic postal cards and post cards, deposited for local delivery, shall be returned to the sender when they bear his card address. All other undeliverable domestic cards shall be held for reclamation two weeks and then, if not delivered, shall be destroyed.

Undeliverable postal cards and post cards of foreign origin shall be sent to the Dead Letter Office.

Undeliverable matter of the second and third classes may be returned, but only after the postage for such return shall have been paid. The rate of postage for the return of third-class matter is the same as that chargeable when it was first mailed. For second-class matter, it is one cent for every four ounces or fraction thereof.

An unclaimed letter bearing the card of a hotel, school, or college, or other public institution printed upon the envelope as an advertisement, will not be returned unless the card include a definite printed or written request for a return.

**Backstamping.**—Backstamping to show the time of receipt of mail for delivery has been discontinued. It has been found that the time consumed in such work is not compensated by the benefits accruing.

**Collection of Mail.**—The collection of mail is made from street boxes and from chute boxes in large buildings. It is governed by regulations that aim to cut down as low as possible the interval of time between the collection of the boxes and the deposit of the collection in the dispatching office. The collector, therefore, is not allowed to loiter, lose time, or deviate from his route or schedule.

Collectors may accept mail for dispatch handed to them in the street if it does not overload or delay them. They are forbidden to give any information regarding the mail which they collect, and are not allowed to give back to any one mail claimed to have been wrongly posted or addressed. They may inform an inquirer what time the mail from a particular box will reach the dispatching office, and may receive such a description of wrongly posted or misaddressed mail as will enable them to identify the mail at the dispatching office, should they take it in themselves, and so be able to hand it to some one in charge with the least delay. They may not go further than this.

**Mail Boxes.**—Mail boxes are for the use of the public generally. They are not supposed to be used by any single person or firm to the exclusion of others. Large mailings must, therefore, be distributed among several boxes, or must be taken to the nearest regular station.

Mail boxes are placed wherever necessary, but with a due regard for the service in the vicinity and at large, and for the facility of collection. A postmaster will not place a box in such a location as will cause unwarranted delay to the remainder of the collection route. Mail placed outside of a mail box is not in the care of the postoffice and the postmaster is not responsible for it. Such mail should be brought to the nearest regular station.

**Mail Chutes.**—Mailing chutes and receiving boxes may be placed, subject to the approval of the postmaster, in public buildings, railroad stations, hotels of not less than five stories in height, business or office buildings of not less than four stories in height, and apartment houses comprising not less than fifty residential apartments. Buildings in which receiving boxes are or shall be located shall be open to the general public, without restriction, at all times during the hours prescribed for mail collections, in order to afford access to such receiving boxes for the deposit of mail matter therein.

No receiving box with which a mailing chute is connected should be placed more than fifty feet from the main entrance of the building in which located; and if in the judgment of the postmaster the efficient handling of the mails requires the placing of such box nearer to such entrance, it shall be so placed, and at such point as he may direct. No receiving box shall be placed elsewhere than on the ground floor of any building.

Every mailing chute shall be made wholly of metal and glass, and so constructed that all portions of its interior may be easily reached by postal authorities, but not by other persons. It shall extend in a continuously vertical line from the point of beginning to the receiving box, and be so placed as to be conveniently accessible throughout its entire length. In no case shall a mailing chute be placed behind an elevator screen or partition, or run through any part of a building to which the public is denied access.

Authority to permit the installation of mailing chutes and receiving boxes conforming to these regulations is vested exclusively in the postmaster. To him shall be submitted the contract and specifications for any proposed chute and box, with a plan of the building showing the contemplated location therein of the whole of such chute and the box connected therewith. If the postmaster approve such contract and specifications, and the location proposed, he shall indorse his approval upon such contract, and make report of his action to the Postoffice Department.

**Forwarding of Mail.**—Letters prepaid at one full rate (two cents), parcels fully prepaid at the first-class rate, postal cards, private mailing cards (post cards), and official matter, may be forwarded from one post-office to another without additional charge.

Mail matter of the third class and parcel post mail may be remailed or forwarded, but not until there has been prepaid additional postage thereon at the same rate at which the matter was originally mailed. Prepayment must be made every time the matter is reforwarded.



Matter of the second class (newspapers and magazines) may also be forwarded or remailed, but at the rate of one cent for each four ounces, or fraction thereof, prepaid.

The changing of a street number to secure delivery at the postoffice of address is not regarded as forwarding and does not subject matter to additional postage.

Requests to forward mail matter made by any other person than the addressee, or his lawful agent, or the person in whose care the matter is addressed, will be disregarded. The husband of addressee will be presumed to be her agent when she has not directed her mail to be withheld from his control.

A direction may be changed and matter reforwarded upon request as many times as may be necessary to reach the addressee.

The address on all mis-sent matter, which by the aid of a street directory or other reliable books of reference it is reasonably certain can be delivered at another office, will be corrected and forwarded to such office.

Mail received by a postmaster under cover with a request to post such mail in his office for delivery or for forwarding elsewhere, will be stamped, "Received at . . . . . under cover from the postoffice at . . . . .". The stamps will be canceled and the mail forwarded in the ordinary manner after such indorsement.

**Registry of Mail.**—Valuable matter may be registered for a fee of ten cents, paid by the special registry stamp or in ordinary stamps, this in addition to the necessary postage on the mail.

Registered matter is sent through the mails in special equipment and is receipted for as it passes from hand to hand. A return receipt will be given to the sender if the registered piece upon being registered is indorsed "Return Receipt Requested."

Registered mail addressed "Deliver to Addressee Only" will be so delivered or returned to the sender. If no special directions be given the registered piece will be delivered as addressed, if possible, or if not, to some one known to be responsible or to be the agent of the addressee. House servants are not considered agents for the purposes of delivery. Registers will be delivered to anyone upon the order of the addressee unless such piece is indorsed "Deliver to Addressee Only."

An indemnity of a maximum of \$50 or the value of the parcel will be paid for loss, damage, or destruction to a register upon proper proof of loss. Registers may be forwarded upon the order of the addressee or upon the order of the sender. They must bear in addition to a legible and complete delivering address the name and address of the sender.

Registered mail is subject to all regulations that apply to the mailability of ordinary mail.

**Withdrawal of Mail.**—Mail matter may be withdrawn by the sender before dispatch from the office of mailing by making proper identification of himself as the sender, and of the particular piece of mail to be

withdrawn to the postmaster, who will then withdraw the piece of mail and return it to the sender, taking his receipt for it.

After dispatch from the office of mailing, a piece of mail may be withdrawn upon telegraphic or mailed instructions of the postmaster at the office of mailing to the postmaster of delivery, or to the railway mail clerk who may handle the mail in transit. If by telegraph, the applicant for withdrawal must pay all expenses at the commercial rate, but the telegram must go over the name of the dispatching postmaster. The same is true in the case of a request for withdrawal sent by mail. The same identifications are required as in withdrawing mail before dispatch. Mail withdrawn will be returned to the postmaster at the office of dispatch for delivery to the sender.

### POSTAL SAVINGS SYSTEM.

**Purpose.**—The Postal Savings System has been established to provide a safe depository for savings too small to be offered to a savings bank or held by persons that wish government protection for what money they have accumulated.

**Depositories.**—Postal savings depositories have been established in all postoffices of any size, and in the larger offices the system has been extended to the stations as well.

**Opening Accounts.**—No deposit of less than a dollar is received, nor is an account opened for less than a dollar. To provide a means for smaller savings a system of stamps and cards has been established, and these are kept on sale at all postal savings offices, and the stations attached to them. A postal savings card is sold for ten cents. This card bears nine spaces in each of which may be placed a postal savings stamp that may be purchased for ten cents, the card and the nine stamps representing a possible saving of one dollar. This card and the nine stamps attached will be accepted at any postal savings depository either as a deposit of one dollar on an account already opened, or for the opening of a new account.

**Deposits.**—Deposits are limited to one hundred dollars a month, and the total account allowed to stand in any name is five hundred dollars. The matter of increasing the limit of deposit at any one time or in any month, as well as the limit of five hundred dollars on any account, is now under consideration by the Postoffice Department.

**Bond System.**—It is possible to increase the amount in the care of the government, however, by taking advantage of the postal savings bond system. These postal savings bonds are issued in amounts of twenty, fifty, one hundred and five hundred dollar denominations. Twice a year, in January and in July, these bonds are issued, and anyone may transfer his savings into bonds on application to his depository, the actual transfer being made in Washington, D. C. It is apparent therefore that while an account may be limited to five hundred dollars, by taking advantage of the bond system there is practically no limit to the amount a person may have on deposit with the government.

**Form.**—Postal Savings bonds are redeemable at their face value at any time by submitting them to the Postal Savings Department at Washington through any depository. They are issued in the form of coupon bonds or registered bonds. The registered bond may be assigned and is valueless to anyone but the original owner unless properly assigned. A coupon bond may be realized upon by the holder.

**Interest.**—Interest on bonds is paid at the rate of two and one-half per cent. Interest on deposits is paid at the rate of two per cent. Interest on deposits is payable annually, that is one year from the first day of the month following the deposit. It is not compounded unless drawn and redeposited.

**Certificates.**—Under the United States Postal Savings System no pass-books are used. Each deposit is represented by a certificate or certificates, each of a fixed denomination. Certificates are issued in denominations of one, two, five, ten, twenty, fifty and one hundred dollars. In issuing certificates for a deposit a clerk must issue the smallest number of certificates that will properly cover the deposit. These certificates may be cashed at any time at the office of deposit, and if the depositor is not within the jurisdiction of the office where his deposit is being carried, a means is provided whereby he may cash his certificates by mail by application to the postmaster within whose jurisdiction he may be at the time. The redemption of the certificates however must be made through the office of deposit, so sufficient time for the transaction to be completed by mail must be allowed for.

**Amount Withdrawn.**—Any amount in even dollars up to the limit of a deposit may be withdrawn at any time. A portion of the amount of any certificate in even dollars may be withdrawn, the difference being covered by the issue of a new certificate or certificates for the proper balance.

**Anyone may Open Account.**—Anyone over ten years may open an account in a postal savings depository, and when opened such account is under the absolute control of the person in whose name it stands. A wife's account is independent of the control of a husband; a minor's account is independent of control of parent or guardian. An account must be opened by the depositor in person unless his presence is impossible; under such circumstances a means has been provided by which he may open an account by mail.

**Deposits and Withdrawals, How Made.**—Deposits and withdrawals must be made in person, but if this be impossible a means has been provided by which both deposits and withdrawals may be made by mail.

**Transfer.**—Accounts may be transferred from the main postoffice in a city to any of its stations by making application for such transfer, but under present regulations it must be withdrawn and redeposited to transfer an account from one postoffice to another.

**Legal Process.**—A postal savings account is not subject to any legal process whatever except the final decree of a court of competent jurisdiction. It is not subject to attachment or garnishment of any kind,

nor in the case of the death of the depositor can it be controlled by his executors or his heirs unless under order of court.

**Security for Payment of Deposits.**—The faith of the United States government is pledged in security for the payment of deposits in the Postal Savings System, and any money in the possession of the government may be used for such payment should it be necessary to meet demands.

### MONEY ORDER SYSTEM.

**Purpose.**—The United States Money Order System has been established for the transportation of money through the mails. The system may be divided into two parts—the domestic and the foreign.

**Money Orders on the Domestic Forms.**—Money orders on the domestic forms and at the domestic rate of fees may be issued and made payable at any designated money order office in the United States (which includes Hawaii and Porto Rico) and its possessions, comprising the Canal Zone (Isthmus of Panama), Guam, the Philippines and Tutuila (Samoa); also in Bermuda, British Guiana, British Honduras, Canada, Cuba, Martinique, Mexico, Newfoundland, the U. S. Postal Agency at Shanghai (China), the Bahama Islands and certain other Islands in the West Indies: Antigua, Barbados, Domenica, Grenada, Jamaica, Montserrat, Nevis, St. Kitts, St. Lucia, St. Vincent, Trinidad and Tobago and the Virgin Islands.

**Domestic Fees.**—The domestic fees are as follows:

For orders from \$	0.01 to \$	2.50.....	3 cents
" " "	2.51 to	5.00.....	5 cents
" " "	5.01 to	10.00.....	8 cents
" " "	10.01 to	20.00.....	10 cents
" " "	20.01 to	30.00.....	12 cents
" " "	30.01 to	40.00.....	15 cents
" " "	40.01 to	50.00.....	18 cents
" " "	50.01 to	60.00.....	20 cents
" " "	60.01 to	75.00.....	25 cents
" " "	75.01 to	100.00.....	30 cents

**Limit of Value.**—The limit of value to each domestic money order is one hundred dollars, but there is no limit to the number of orders of this value, or orders aggregating any value, that may be purchased and sent.

**Where Payable.**—A money order can be purchased for payment at a money order postoffice only. It cannot be drawn on a station of a postoffice nor on a place not actually a money order postoffice.

**Money Order Drawn upon Office Having Stations.**—A money order drawn upon an office having stations may be cashed at the main office or any of its stations.

**Identification.**—A money order may be paid on such identification as is usually required for the payment of a check.

**Indorsements.**—It is negotiable to the extent of one indorsement except when the order is put through a bank, in which case it may pass through the banking system and bear as many bank indorsements as may be necessary, a bank indorsement for the purpose of effecting final payment not being considered as coming under the regulation limiting indorsements to one. A money order bearing the receipt of the payee is equivalent to a check indorsed in blank, and in general will be treated as such. As a matter of fact a money order may be treated exactly as a check is treated and in the same way may be used for the payment of bills, the settlement of accounts and for deposit in banks, both commercial and savings, so long as the payee is known. It frequently happens that, through ignorance of this facility in the negotiation of a money order, those holding them believe that money orders must be presented at a postoffice for payment, and it is seldom, unless precautions to make themselves known have been taken beforehand, that payees can identify themselves without annoyance and trouble. It is not sufficient that the letter in which the money order was transmitted be submitted as a means of identification. A money order is seldom lost without the letter of transmittal also being lost, both falling into the hands of the finder at the same time. The postoffice clerk paying a money order is personally responsible for the proper payment of the order, and he must make good any loss that his wrong payment may cause.

**Money Order Purchased but not Sent.**—A money order purchased but not sent to the payee may be "repaid" to the remittitur or purchaser when presented at the office of issue under proper identification. Only the face value of the order will be repaid. The amount of the fee will be retained. Thus an order cashed at the office of issue is "repaid" and when cashed at the office of payment it is "paid." An order may be paid or repaid when the holder, remitter, payee or indorsee, is at an office other than the office of issue or the office of payment, by sending the order by mail to the proper office, the office of issue if he be the remitter and the office of payment if he be the payee or indorsee, with a request that a new order for the same amount, less the necessary fee for the new order, be drawn on the office in the jurisdiction of which he then resides, and payable to him. This new order will be forwarded to him and may be cashed in the usual way. The order must be properly indorsed or receipted before being forwarded for this purpose.

**Duplicate Order.**—When an order is lost application should be made to the office of issue by the remitter or to the office of payment by the payee, as the case may be, for a duplicate order. This duplicate order will be issued by the Money Order Department at Washington, D. C., after proper precautions have been taken to prevent the payment or repayment of the original order should it be found and presented for payment or repayment before or after the duplicate has been issued. A duplicate money order will be issued to either the remitter, the payee or the indorsee.

**Indorsee.**—The indorsee of an order stands in the same relation as the payee and may exercise all the rights of a payee.

**Warrant.**—A money order remains valid for one year after the first day of the month following its issue. Should it be presented for payment or repayment after the lapse of that time application must be made for a "warrant" to take its place. This application may be made at any money order office and the warrant will be issued at Washington, D. C.

**Money Orders Lost.**—Money orders are of no use to anyone but the remitter, the payee, or the indorsee, and if lost, the rightful owners will lose nothing, but will be able to recover full value through a duplicate, or, if a year has elapsed, through a warrant.

**Rules Apply to Foreign or International Orders.**—In general the rules governing the payment, repayment, loss, etc., of domestic orders apply as well to foreign or international orders.

**Foreign Money Order.**—The foreign money order system, through direct or indirect exchange, covers the transportation of money to nearly every country on the globe.

**International Money Orders.**—International money orders may be issued and made payable in any of the following foreign countries at a designated money order office: Apia (Samoa), Austria, Belgium, Bolivia, Chili, Costa Rica, Denmark, Egypt, France, Algeria and Tunis, Germany, Great Britain and Ireland, Greece, Republic of Honduras, Hongkong (China), Hungary, Italy (including San Marino), Japan, Liberia, Luxemburg, Netherlands, New South Wales, New Zealand, Norway, Peru, Portugal, Queensland, Russia, Salvador, South Australia, Sweden, Switzerland, Tasmania, Union of South Africa (which comprises the provinces of the Cape of Good Hope (formerly Cape Colony), the Transvaal, the Orange Free State (formerly Orange River Colony) and Natal (including Zululand), Uruguay and Victoria.

International orders may also be sent to many places with which this country has no direct exchange, through other countries, information in regard to which will be given upon application.

**Fees on Money Orders.**—The fees on money orders drawn on, or through any of the above-named countries are divided into classes as follows:

When payable in or through Apia, Austria, Belgium, Bolivia, Costa Rica, Denmark, Egypt, Germany, Great Britain and Ireland, Honduras, Hongkong, Hungary, Italy, Japan, Liberia, Luxemburg, New South Wales, New Zealand, Peru, Portugal, Queensland, Russia, Salvador, South Australia, Switzerland, Tasmania, Union of South Africa, Uruguay and Victoria:

For orders from \$	00.01 to \$	2.50.....	10 cents
" " "	2.51 "	5.00.....	15 cents
" " "	5.01 "	7.50.....	20 cents
" " "	7.51 "	10.00.....	25 cents
" " "	10.01 "	15.00.....	30 cents
" " "	15.01 "	20.00.....	35 cents
" " "	20.01 "	30.00.....	40 cents
" " "	30.00 "	40.00.....	45 cents
" " "	40.01 "	50.00.....	50 cents
" " "	50.01 "	60.00.....	60 cents
" " "	60.01 "	70.00.....	70 cents
" " "	70.01 "	80.00.....	80 cents
" " "	80.01 "	90.00.....	90 cents
" " "	90.01 "	100.00.....	1 dollar

When payable in or through any other foreign country the fees are ten cents on each \$10 or fraction thereof.

**Direct Exchange.**—Direct exchange is the term used to designate the system that deals directly with any particular country.

**Indirect Exchange.**—Indirect exchange the system that deals with a particular country through the medium of another country with which the direct exchange is established.

**Blank Application.**—In making application for a money order, either domestic or foreign, the remitter must fill out the blank application himself, and in as complete detail as possible. Postoffice clerks are not allowed to make out applications for money orders for patrons, or to assist them in any way except to give them all the information possible and such advice as the case warrants.

## POSTAGE AND CLASSIFICATION.

**Table.**—The following table gives the rates of postage on first, second and third class domestic mail, with the character of each class of mail. Permissible additions to second and third class mail are treated under the head of preparation of mail. Parcel Post is treated separately.

In this table is also given the features of the use of the "permit" or privilege of paying postage on third-class matter and parcel post in money, and the use of the precanceled stamp on third-class matter and parcel post.

Class.	Rates.	Includes.
First.	Two cents for each ounce or fraction thereof.	All sealed matter (except proprietary articles). All written matter produced by hand or typewriting, including carbon copies.
	Limit of weight four pounds.	
	One cent for each ounce or fraction thereof.	Drop letters mailed at noncarrier offices for local delivery, but not if delivered by rural carrier.
	Limit of weight four pounds.	
	One cent each.	Postal cards issued by the government and private post cards which conform to regulations.

Class.	Rates.	Includes.
First.	Two cents each.	Reply postal cards issued by the government.
Second.	One cent for each pound or fraction thereof. No limit to weight.	Newspapers and periodicals mailed by publishers and news agents to points other than place of mailing, except weekly papers, which are mailable to all domestic points at the pound rate. Publications other than weeklies when addressed to box or general delivery at mailing office are also mailable at the pound rate.
	One cent for each four ounces or fraction thereof. No limit to weight.	Newspapers and periodicals mailed by others than publishers or news agents. This is the rate used by the general public.
	One cent per copy. No limit to weight of bundles.	Newspapers other than weeklies (without regard to weight) and periodicals not exceeding two ounces in weight mailed by publishers or news agents for carrier delivery at mailing office.
	Two cents per copy. No limit to weight.	Periodicals exceeding two ounces in weight mailed by publishers or news agents for carrier delivery at mailing office.
	Free in county. No limit to weight.	Publications of the second class, one copy to each actual subscriber residing in the county where the same are printed in whole or in part, and published. Such papers, however, must not be delivered at letter carrier offices, or distributed by carriers unless postage is paid at the rate of one cent for each pound or fraction thereof.
Third.	One cent for each two ounces or fraction thereof. Limit of weight four pounds except for single books on which there is no limit.	(The word "Newspaper" as used in the foregoing means publications issued as often as once a week, and the word "Periodical" refers to such as are published at greater intervals.) Books, circulars, photographs and other matter wholly in print, proofsheets, corrected proofsheets and manuscript copy accompanying the same. Also imitations of handwriting or typewriting produced by the mimeograph, multigraph or other similar process when mailed at a post-office window in lots of not less than twenty identical copies.
Seeds.	One cent for each two ounces. Limit of weight 11 pounds.	Seeds, cuttings, bulbs, roots, scions and plants.
Congressional Record.	One cent for each copy.	Mailed in Washington as transient matter. If mailed by members or delegates to Congress, free under frank.
Permit Matter.	Third Class one cent for each two ounces. Parcel Post one cent for each ounce up to four ounces. Over four ounces the parcel post rates apply.	Third-class or parcel post matter mailed in minimum lots of 2,000 identical pieces, permit having first been obtained from postmaster.



Class.	Rates.	Includes.
Precanceled Stamps.	Second Class—One cent for each four ounces. Third Class—One cent for each two ounces. Parcel Post—One cent for each ounce up to four ounces. Over four ounces parcel post rates apply.	Good for postage on transient second- class matter and third-class and parcel post packages mailed at a postoffice win- dow in lots of not less than 500 pieces at the office where precanceled.
Official Matter.	Matter mailed by officers or bureaus of the Government (excepting members of Congress) relating to the business of the Government.	
Franked Matter.	Public documents mailed by the Vice-President, Senators or Repre- sentatives in Congress. Congressional Record or parts thereof mailed by members of Congress. Seeds sent by Secretary of Agriculture or by members of Congress receiving same from the Department of Agriculture for distribution. Also reports of that department. Correspondence not exceeding four ounces in weight (except when addressed to a government official) sent by the Vice-President, mem- bers and members-elect, delegates and delegates-elect of Congress on official business. All matter mailed by or addressed to Lucretia R. Garfield, Frances F. Cleveland or Mary Lord Harrison.	
Free Matter.	Mail addressed to the Census Office, the Director of the Census, Assistant Director, Chief Clerk, Supervisor, Enumerators or Special Agents. One copy each of the annual reports required by the Secretary of the Interior and the Secretary of Agriculture from agricultural col- leges addressed to other agricultural colleges and to the Secretary of the Interior and the Secretary of Agriculture. Bulletins and reports of Agricultural Experiment Stations. Copyright matter addressed to the Register of Copyrights, Wash- ington. Letters written in point print or raised characters for the use of the blind. Books and other reading matter for the blind, containing no adver- tising or other matter sent by public institutions for the blind or by public libraries as a loan to blind readers or returned by such readers to the institutions referred to. Letters mailed by soldiers, sailors and marines when countersigned by an officer may be dispatched without postage being prepaid and only the single rate shall be collected on delivery. Matter pertaining to the business of the Postal Savings System is chargeable at the same rate as similar matter mailed by the public, except that the postage thereon, and registry fee, if any, shall be prepaid by special stamps prepared for the Postal Savings System.	
Soldiers' and Sailors' Letters.		
Postal Savings System.		

## STAMPS AND STAMPED PAPER.

**Stamps.**—Stamps are furnished by the Postoffice Department in the following denominations and forms:

**Ordinary Stamps.**—One, two, three, four, five, ten, fifteen and fifty cent stamps, and one dollar and two dollar stamps. The eight and thirteen cent stamps are no longer issued and will become obsolete with the sale of those on hand. The same may be said of the special registry stamp.

**Parcel Post Stamps.**—One, two, three, five, ten, fifteen, twenty, twenty-five, fifty and seventy-five cent and one dollar stamps. The

printing of these has also been discontinued, and no more will be on sale when the present supply has been sold out.

**Postal Savings Stamps.**—Ten cent stamp and the ten cent card.

**Special Delivery Stamps.**—Ten cent.

**Coils.**—One, two and four cent stamps, 500 to the coil, perforated endwise and sidewise, and unperforated; one, two and four cent stamps, 1,000 to the coil, perforated, endwise and sidewise, and unperforated. A charge above the value of the stamps is made for the coiling, three cents for the coil of 500 stamps and six cents for the coil of 1,000.

**Books.**—One cent stamps, 24 to the book, 25 cents.

Two cent stamps, 12 to the book, 25 cents.

Two cent stamps, 24 to the book, 49 cents.

Two cent stamps, 58 to the book, 97 cents.

**Reply Coupons.**—For five cents in the stamps of any foreign country in the Postal Union, 6 cents.

**Stamped Envelopes and Wrappers.**—Stamped envelopes and newspaper wrappers will be furnished in sizes, denominations and prices, with or without return requests, in accordance with the following schedules:

SIZE	Denomination	Quality	COLOR	1000	100	25	10	5	2	1
No. 1—2½x5½...	2-cent...	First....	White only.....	\$20.92	\$2.10	\$0.53	\$0.21	\$0.11	\$0.05	\$0.03
	1-cent...	First....	White or amber...	10.92	1.10	.28	.11	.06	.03	.02
No. 2—3½x5½...	2-cent...	First....	White or amber...	20.92	2.10	.53	.21	.11	.05	.03
	2-cent...	Second...	Buff or blue.....	20.80	2.08	.52	.21	.11	.05	.03
	1-cent...	First....	White or amber...	10.96	1.10	.28	.11	.06	.03	.02
No. 3—3½x5¾...	2-cent...	First....	White or amber...	20.96	2.10	.53	.21	.11	.05	.03
	2-cent...	Second...	Buff or blue.....	20.84	2.09	.53	.21	.11	.05	.03
	5-cent...	First....	White or amber...	50.96	5.10	1.28	.51	.26	.11	.06
No. 4—3½x5¾...	2-cent...	First....	White or amber...	21.00	2.10	.53	.21	.11	.05	.03
	1-cent...	First....	White or amber...	11.00	1.10	.28	.11	.06	.03	.02
No. 5—3½x6¼...	2-cent...	First....	White or amber...	21.00	2.10	.53	.21	.11	.05	.03
(The size most used)	2-cent...	Second...	Buff or blue.....	20.88	2.09	.53	.21	.11	.05	.03
	5-cent...	First....	White or amber...	51.00	5.10	1.28	.51	.26	.11	.06
No. 6—3½x6¼...	1-cent...	Second...	White only.....	10.88	1.09	.28	.11	.06	.03	.02
(Ungummed)	1-cent...	Manila.....	Manila.....	10.72	1.08	.27	.11	.06	.03	.02
	2-cent...	First....	White or amber...	21.44	2.15	.54	.22	.11	.05	.03
No. 7—3½x8¾...	2-cent...	Second...	Buff or blue.....	21.24	2.13	.54	.22	.11	.05	.03
	4-cent...	First....	White or amber...	41.44	4.15	1.04	.42	.21	.09	.05
	1-cent...	First(ung)	White or amber...	11.56	1.16	.29	.12	.06	.03	.02
No. 8—4¼x9½...	2-cent...	First....	White or amber...	21.66	2.16	.54	.22	.11	.05	.03
	4-cent...	First....	White or amber...	41.66	4.16	1.04	.42	.21	.09	.05
No. 9—4¼x10½...	2-cent...	First....	White or amber...	21.72	2.18	.55	.22	.11	.05	.03
	4-cent...	First....	White or amber...	41.72	4.18	1.05	.42	.21	.09	.05
No. 10—3½x4¾...	2-cent...	First....	White only.....	20.88	2.09	.53	.21	.11	.05	.03
	1-cent...	First....	White only.....	11.04	1.11	.28	.12	.06	.03	.02
No. 11—4¼x5½...	2-cent...	First....	White only.....	21.04	2.11	.53	.22	.11	.05	.03
No. 12—5½x10½...	1-cent...	Manila.....	Manila.....	10.72	1.08	.27	.11	.06	.03	.02
No. 12A-8 x12...	2-cent...	Manila.....	Manila.....	21.24	2.13	.54	.22	.11	.05	.03
(Newspaper Wrappers)	1-cent...	First....	White or amber...	11.08	1.11	.28	.12	.06	.03	.02
	1-cent...	Second...	Buff or blue.....	10.96	1.10	.28	.11	.06	.03	.02
No. 13—3½x6¾...	2-cent...	First....	White or amber...	21.08	2.11	.53	.22	.11	.05	.03
	2-cent...	Second...	Buff or blue.....	20.96	2.10	.53	.21	.11	.05	.03
No. 14—3½x6¾...	2-cent...	First....	White or amber...	21.08	2.11	.53	.22	.11	.05	.03
	2-cent...	Second...	Buff or blue.....	20.92	2.10	.53	.21	.11	.05	.03

Prices of Printed (Special-Request and Office-Request) Stamped Envelopes at a slight increase in price, ranging from \$0.01 for quantities of 10 to \$0.44 for quantities of 1,000 of the largest size

**Special Return Cards.**—Special return cards, including the purchaser's name and address, will be printed on orders for five hundred

or a multiple of five hundred envelopes. "Special request" envelopes are only supplied to purchasers through the postoffice named in the return card. No advertisements or special device of any kind, nor the names of addressees, will be printed on stamped envelopes by the Department. The matter to be printed will be limited to (1) a request to return after a given number of days; (2) the name of the purchaser (individual, firm, corporation, institution, association, or society); (3) rural delivery route, postoffice box number, street address (in the case of city delivery postoffices only), or the name of a building and room number therein, or the names of intersecting streets, in lieu of a street address; (4) the names of postoffice or branch postoffice, county, and State. Any portion of the foregoing, except the name of the postoffice or branch postoffice and State, may be omitted, when desired by the purchaser of the envelopes, if the address to which undelivered letters are returnable is not thereby made indefinite. The form of return request for stamped envelopes intended to inclose letters will be, "After five days, return to"; for envelopes intended to inclose third-class matter, "Postage for return will be sent on notice after five days to"; the number of days in either case to be not less than three.

#### Postal Cards.

Postal cards are made in the following denominations and sizes:

No. 4. One cent, domestic, single;  $3\frac{1}{2} \times 5\frac{1}{2}$  inches;

No. 5. One cent, domestic, single;  $3 \times 5$  inches;

No. 6. One cent, domestic, reply;  $3\frac{1}{4} \times 5\frac{1}{2}$  inches, each half;

No. 7. Two cent, foreign, single,  $3\frac{1}{4} \times 5\frac{1}{2}$  inches;

No. f. Two cent, foreign, reply;  $3\frac{1}{2} \times 5\frac{1}{2}$  inches, each half;

No. 4. One cent in sheets, 48 cards to the sheet,  $3\frac{1}{2} \times 5\frac{1}{2}$  or  $3 \times 5$  inches.

Postal cards may bear written, printed or other additions, as follows:

The face of the card may be divided by a vertical line one-third of the distance from the left end of the card, the space to the right being used for the address only, the space to the left to be used for a message. Addresses may be either printed, written, or affixed at the option of the sender.

Very thin sheets of paper may be attached to the card provided they completely adhere thereto. Such sheets may bear both writing and printing. Advertisements, illustrations, or reading may appear upon the back of the card and upon the left third of the face.

The addition to the postal card of matter other than as herein referred to will subject the card to postage according to the character of the message; at the letter rate if wholly or partly in writing, or the third class rate of entirely in print. In either case the postage value of the stamp upon the card will not be impaired.

Postal cards will be treated in all respects as sealed letters except that when undeliverable to the addressee they may not be returned to the sender.

### **Post Cards.**

Post cards or private mailing cards must conform to the following conditions:

A post card must be an unfolded piece of cardboard not exceeding 3 9/16 inches by 5 9/16 inches or less than 2 3/4 x 4 inches. It must in form and in quality and weight of paper be substantially like the Government post card. It may be of any color not interfering with a legible address or postmark. It may or may not, at the option of the sender, bear at the top of the face the words "Post Card." The face of the card may be divided by a vertical line, the left half to be used for a message; that to the right for the address only. In other respects they are carried under the same regulations as affect postal cards.

### **Sale of Stamps, Envelopes, etc.**

**Stamps.**—Stamps when sold over a counter or at a window will be laid face down when handed out to purchasers. Stamp clerks will not affix stamps to letters, parcels, etc., for patrons.

**Sales of Envelopes and Weapons.**—In making sales of envelopes and wrappers in small quantities it is expected that postmasters will evince a proper spirit of accommodation, but they are not required to lose the fraction of a cent. Postmasters should provide themselves with minor coins and bills of small denomination sufficient to enable them to make change for purchasers of stamped paper; but if a postmaster cannot make change the applicant should tender the exact amount of his purchase.

When the schedule price of a single envelope is three cents and that of a single wrapper is two cents, and both are purchased in the same transaction, four cents, and not five cents, will be charged, and the same principle applies to all similar sales of different sizes, qualities, or denominations. That is, where several envelopes of different styles are sold the postmaster will retain only the fraction of a cent on the whole purchase, and not on each envelope.

Postmasters must not exchange postage stamps, postal cards or stamped envelopes or wrappers; nor will any of these be accepted in payment for the purchase of any stamp supplies. Postmasters are not allowed to solicit the sale of stamps so as to increase the sales of their offices.

**Mutilated or Abraded Coins or Currency.**—In the sale of stamp supplies, foreign gold and silver coins, perforated, mutilated or abraded coins, or mutilated paper currency will not be accepted. An exception is made in the case of fractional silver or other minor coins worn by abrasion when the superscription thereon can still be distinguished. The "trade dollar" is not legal tender and should not be accepted as it will not be received by the United States Treasury as a deposit.

**Minor Coins Legal Tender.**—Minor coins—five, three and one cent pieces—are legal tender to the amount of twenty-five cents and fractional silver is legal tender up to ten dollars.

### REDEMPTION.

**Postage Stamps.**—Postage stamps are not redeemable at all from the public.

**Uncanceled, Unserviceable and Spoiled Stamped Envelopes and Newspaper Wrappers.**—Uncanceled, unserviceable and spoiled stamped envelopes and newspaper wrappers are redeemable at the value of the stamps, if submitted in substantially a whole condition, payment being made only in postage stamps or other stamped paper.

Stamped envelopes bearing a printed return card or address may be redeemed only from the original purchaser.

**Postal Cards.**—Uncanceled, unserviceable, and spoiled postal cards not treated by bronzing, enameling or other process of coating may be redeemed in postage stamps or other stamped paper only at 75% of their postage value when presented by the original purchaser. Parts or pieces of cards will not be redeemed. Each unused half of a reply postal card will be regarded as a single card. When the redemption value of the cards includes the fraction of a cent such fraction will accrue to the department.

**Reply Coupons** will be redeemed at five cents apiece, their face value, payable in stamps or stamped paper.

### FOREIGN MAIL.

**Handling of Foreign Mail.**—The handling of foreign mail is governed by the rules of the Universal Postal Union, a form of organization among certain countries for the exchange of mail, the adjustment of the expense incident thereto, and the protection of mail matter.

In general, so far as the public is concerned, foreign mail is handled exactly as is domestic mail. The principal difference lies in the classification and rates of postage, the special restrictions and prohibitions of the different countries, and the feature of custom duties involved in the transfer of merchandise through the mails to foreign countries. The matter of custom duties is confined mainly to foreign parcel post, but it applies as well to letters and samples of merchandise.

**Samples of Merchandise.**—Samples of merchandise are assessed in the same manner as parcel post and the duty collected on delivery.

**Letters or Sealed Matter.**—Letters or sealed matter, however, cannot be examined until they have been opened by the addressee. Therefore, when a sealed letter or package is received for delivery, the delivering office, or the office of arrival or exchange office, will mark it "Supposed liable to customs"; the addressee will be notified to call at the office where it is being held, a customs officer will be summoned, delivery will be made to the addressee in the presence of the customs officer, and the addressee will break the seal, open the letter or package, and the customs officer will then examine the contents and assess and collect the duty. This is only done when from the form or general character of a foreign letter or sealed package it is thought probable

that it contains matter on which, from its nature or quantity, duty should be paid.

**Special Delivery of Foreign Mail.**—The special delivery of foreign mail is provided for in the agreement of the Postal Union, but is made optional with the different countries, not all of them have taken advantage of it. The United States has not adopted this feature for either incoming or outgoing foreign mail.

**Reply Coupons.**—Reply coupons (see Stamps and Stamped Paper) may be inclosed in correspondence with foreign countries to pay postage on a reply. These are good for their face value, five cents, in stamps of any foreign nation.

**Stickers.**—Stickers of any kind either on front or back of foreign mail matter are forbidden on foreign mail addressed to the principal foreign countries.

### FOREIGN RATES AND CLASSIFICATION.

**Table.**—The following table gives the classification, rates of postage and general characteristics of the foreign mail service, except Canada, Cuba, Mexico, Republic of Panama, U. S. Postal Agency at Shanghai, and U. S. Naval Hospital at Yokohama, Japan.

Prepayment of postage on ordinary letters and postal cards is optional; on registered articles and parcel post packages it is compulsory; on all other articles it must be at least partially prepaid. Double the amount of deficiency is collected upon delivery.

Class.	Rates.	Remarks.
Letters.	Five cents for the first ounce or fraction, three cents for each additional ounce or fraction. England, Ireland, Scotland, Wales and Newfoundland, also Germany by DIRECT steamers which land the mails at German ports; two cents per ounce or fraction.	No limit of weight or size. Stamps or forms of prepayment, current or obsolete, canceled or uncanceled, as well as printed matter constituting the sign of monetary value are subject to the letter rate.
Postal Cards.	Two cents each for single. Four cents each for double.	Post cards must not exceed 5 $\frac{1}{2}$ inches in length by 3 $\frac{1}{2}$ inches in width nor be less than 4 inches in length and 2 $\frac{1}{2}$ inches in width and must be made of cardboard or paper. They must not be inclosed in an envelope. Post cards (so called) consisting of wood, leather, or material other than cardboard or paper, are subject to treatment as letters. An address label not exceeding 2 inches by $\frac{1}{2}$ of an inch may be pasted on the address part of a post card.
Printed Matter.	One cent for each two ounces or fraction; limit four pounds six ounces.	The following are considered as prints, and admitted as such at the reduced postage applicable to "prints," viz.: Newspapers and periodical works, printed books

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Class.	Rates.	Remarks.
Printed Matter.	<p>(No limit of weight of a single printed book for Salvador.)</p> <p>The maximum size for prints is 18 inches in any direction, except that rolls of printed matter which do not exceed 30 inches in length and 4 inches in diameter may be sent by mail.</p> <p>Packages of printed matter exceeding the limit of weight and size prescribed for prints may be sent by parcel post to those countries with which the United States has a parcel post convention, subject to parcel post rates and conditions.</p>	<p>stitched or bound, pamphlets, sheets of music, visiting cards, address cards, proofs of printing with or without the manuscripts relating thereto, papers with raised points for the use of the blind, engravings, photographs and albums containing photographs, pictures, drawings, plans, maps, catalogues, prospectuses, announcements and notices of various kinds, whether printed, engraved, lithographed or autographed, and in general all impressions or reproductions obtained upon paper, parchment or cardboard, by means of printing, engraving, lithographing and autographing, or any other mechanical process easy to recognize, except the copying-press and the typewriter.</p>
Commercial Papers.	<p>Five cents for the first ten ounces or less, and one cent for each additional two ounces or fraction.</p> <p>Limit of weight and size same as for prints.</p>	<p>Facsimile copies of manuscripts or typewriting obtained by a mechanical process (polygraphy, chromography, etc.), are assimilated to prints; but in order to pass at the reduced postage, they must be mailed at the postoffice windows, and in the minimum number of twenty perfectly identical copies.</p> <p>With the exception of cards, prints must be wrapped or inclosed so that the contents may be easily examined without damaging the cover.</p> <p>The following are considered as commercial papers, viz.: All instruments or documents written or drawn wholly or partly by hand, which have not the character of an actual and personal correspondence, such as old letters and postal cards which have fulfilled their original object, papers of legal procedure, deeds of all kinds drawn up by public functionaries, way-bills or bills of lading, invoices, the various documents of insurance companies, copies of or extracts from deeds under private signature, written on stamped or unstamped paper, scores or sheets of manuscript music, manuscript for publication, forwarded separately, original and corrected tasks of pupils, excluding all comment on the work, etc.</p> <p>Commercial papers must be under band or in an open envelope.</p>
Samples.	<p>Two cents for the first four ounces or less, and one cent for each additional two ounces or fraction.</p> <p>Limit of weight, twelve ounces.</p>	<p>Samples of merchandise must conform to the following conditions: must be placed in bags, boxes or removable envelopes in such a manner as to admit of easy inspection. They must not have any salable value, nor bear any manu-</p>

Class.	Rates.	Remarks.
Limit of size, twelve inches by eight inches by four inches.	When in the form of a roll, a package of samples may measure twelve inches in length and six inches in diameter.	script, other than the name or the social position of the sender, the address of the addressee, a manufacturer's or trade-mark, numbers, prices and indications relating to the weight, size and quantity to be disposed of, and words which are necessary to precisely indicate the origin and nature of the merchandise.
Composite Packages.	It is permitted to inclose in the same package, samples of merchandise, prints and commercial papers, but subject to the following conditions: (1) That each class of articles taken singly shall not exceed the limits which are applicable to it as regards weight and size. (2) That the total weight of the package must not exceed two kilograms (four pounds six ounces). That the minimum charge shall be five cents when the package contains commercial papers, and two cents when it consists of printed matter and samples.	<p>Articles of glass, liquids, oils, fatty substances, dry powders, as well as live bees, are admitted to the mails as "samples" provided they are packed in the following manner:</p> <p>(a) Articles of glass must be packed solidly in boxes of metal or wood in a way to prevent all damage to other articles or the employees.</p> <p>(b) Liquids, oils and substances easily liquefiable must be inclosed in glass bottles hermetically sealed. Each bottle must be placed in a wooden box filled with spongy material sufficient to absorb the liquid in case the bottle should be broken. Finally, the box itself must be inclosed in a case of metal or wood with a screw top, or of strong and thick leather. If wooden blocks perforated to contain several vials or wooden mailing cases are used, measuring at least one-tenth of an inch in the thinnest part, lined with sufficient absorbing material and furnished with a lid, the blocks need not be inclosed in a second case.</p> <p>(c) Fatty substances, such as ointments, soft-soaps, resins, etc., must be inclosed in an inner cover (box, linen bag, parchment, etc.), which must be placed in a second box of wood, metal or strong, thick leather.</p> <p>(d) Dry powders must be placed—if coloring—in bags of leather, gummed cloth or strong oiled paper; and if not coloring, in boxes of metal, wood or cardboard, which bags or boxes must be inclosed in a cloth or parchment bag.</p> <p>(e) Live bees must be inclosed in boxes which avoid all danger and permit examination of the contents.</p>



**POSTAGE RATES ON ARTICLES FOR CANADA, CUBA, MEXICO,  
THE REPUBLIC OF PANAMA AND THE UNITED STATES  
POSTAL AGENCY AT SHANGHAI.**

Articles addressed for delivery in Canada, Cuba, Mexico and Republic of Panama are subject to the same postage rates and conditions which would apply to them if they were addressed for delivery in the United States: Except that:

(a) Letters and postal cards must be dispatched to Canada and Mexico if prepaid one full rate of postage and to Cuba and Panama even if they do not bear postage stamps. Other articles for Cuba and Panama will be dispatched if prepaid at least in part.

(b) Packages of "prints" may weigh not to exceed four pounds, six ounces.

(c) "Samples" and "commercial papers" may be sent subject to the postage rates and conditions applicable to similar articles in mails for foreign countries generally.

(d) Plants, seeds, etc., mailed to Canada are subject to the postage rate of one cent an ounce.

(e) **Articles other than letters in their usual and ordinary form** are excluded from the mails, unless they are so wrapped that their contents can be easily examined by postmasters and customs officers. Any article inclosed in an envelope, as the word "envelope" is generally used, without regard to its size, is considered to be "in the usual and ordinary form" of a letter. But unsealed packages may contain, in sealed receptacles, articles which cannot be safely transmitted in unsealed receptacles; provided, the contents of the closed receptacles are plainly visible or are precisely stated on the covers of the closed receptacles and that the package is so wrapped that the outer cover can be easily opened.

**Second-class Matter for Canada.**—The postage rate applicable in the United States to "second-class matter" addressed for delivery in Canada is one cent for each four ounces or fraction of four ounces, calculated on the weight of each package and prepaid by means of postage stamps affixed; except that the postage rate to publishers and news agents applicable to legitimate daily newspapers issued as frequently as six times a week addressed to *bona fide* subscribers in Canada, is one cent a pound or fraction of a pound, to be paid at the office of mailing as second-class matter.

**Unmailable.**—The following articles are unmailable under any conditions, viz.:

All **sealed packages**, which, from their form and general appearance, evidently **are not letters**; publications which violate the copyright laws of the country of destination; **poisons**, explosive or inflammable substances; live or dead (not dried) animals, insects (except bees) and reptiles; fruits and vegetables which quickly decompose, and substances which exhale a bad odor, lottery tickets or circulars; all obscene or immoral articles, articles which may destroy or damage the mails,

or injure the persons handling them; and to Cuba and the Republic of Panama, liquids and fatty substances, except samples thereof.

Merchandise for Canada and Cuba is sent as domestic parcel post limited to four pounds six ounces.

Merchandise for Mexico and Panama may be sent as domestic parcel post limited to four pounds six ounces, or by international parcel post up to eleven pounds for Panama and eleven pounds to some Mexican offices, four pounds six ounces to others.

It is advisable to send parcels for Mexico and Panama by international parcel post.

They cannot be insured; but can be registered.

**United States Postal Agency at Shanghai, China.**—Articles of every kind that are admitted to the domestic mails of the United States may be sent by mail for delivery in the city of Shanghai at the postage rate and under the conditions which apply to similar articles addressed for delivery in the United States.

Letters for Shanghai specially addressed to go "via Siberia" are subject to Postal Union rates and conditions.

**United States Naval Hospital at Yokohama, Japan.**—Articles mailed in the United States addressed to the officers and men of the United States Navy in the U. S. Naval Hospital at Yokohama, are subject to domestic rates and conditions.

### WITHDRAWAL.

**Withdrawing Mail.**—The matter of withdrawing mail after it has reached a foreign country is also one which the countries of the Postal Union permit or not as they please. Some allow it and some do not.

The withdrawal of mail from a foreign country that permits such withdrawal must be done by the sender through the postmaster at the dispatching office, who will take the matter up with the Second Assistant Postmaster-General in Washington, D. C. He will take such action as may be necessary and the mail will be returned to him for delivery to the sender. All expense for telegraph tolls, etc., will be borne by the sender. In making application for the withdrawal of mail from a foreign country, the particular piece of mail sought to be withdrawn must be properly identified, as in the case of a withdrawal of domestic mail.

The legislation of Great Britain and the British Colonies (except Southern Rhodesia, Antigua, Bahamas, Barbados, Ceylon, Gold Coast, British Guiana, Jamaica, Zanzibar and the Australian Colonies), including Canada and British India; also Haiti, the Dominican Republic, Republic of Colombia and the French establishments in Oceanica does not allow the senders of articles to withdraw them from the mails. Consequently senders cannot prevent the delivery of mail to the original addressees when dispatched for delivery to any one of these countries from the United States, nor from those countries and colonies to the United States.

### PARCEL POST.

**Domestic and Foreign.**—In the Parcel Post System, as in other classes of mail, the line between domestic and foreign is sharply drawn. The system with foreign countries has been established for some years; the domestic system has been running only since January, 1913. In this short time, however, it has developed into a large and most important part of the mail, and daily it is broadening out into an arm of the service that is distinct from all others, and is becoming of increasing value as it becomes more generally understood.

**Fourth-class Mail Only.**—Under the act of Congress establishing the Parcel Post System it includes what under the old classification was fourth-class mail only. Therefore the present Parcel Post System does not include such articles as books, photographs, printed matter etc., that are third class, although it is probable that before long all such articles will be included in the general term "merchandise," and will be accepted for shipment under the parcel post rates.

**Classification.**—The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability are under the control of the Postmaster-General, and if he shall find on experience that they are such as to prevent the shipment of articles desirable, or permanently to render the cost of the service greater than the receipts of the revenue therefrom, he is authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight, limit, rates, zone or zones or conditions, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost.

**Weight and Measurement.**—Under the present parcel post regulations any package of merchandise properly packed for mailing and not forbidden under the mail regulations, will be accepted for mailing up to the limit of eleven pounds in weight and up to a limit of size not above seventy-two inches in length and girth combined.

In this matter of measurement it must be understood that a package must first be measured along its longest dimension in order to secure the length, and it then must be measured around its next largest dimension in order to secure its girth. The two measurements added together must not exceed seventy-two inches. Thus a hat in its bandbox must first be measured across the top of the bandbox, along the long diameter if it be oval, and then around top, bottom and sides. A spade must be first measured for its full length and to this must be added the measurement around the blade. A box twenty-four inches long and twelve inches on each side will measure just seventy-two inches under the parcel post regulations and will therefore be the limit in size.

**Zone System.**—Parcel post rates are based upon what has been designated the "zone system," a system that assigns to each postoffice a definite relation to every other postoffice, with rates fixed according to the distance of one from the other.

In establishing this zone system the United States has been divided into "units of area," each unit being thirty minutes of measurement or about thirty miles, to a side. This in space measurement is one-quarter of a degree, or one-quarter of the area formed by the intersection of the parallels of latitude and the meridians of longitude. The zones are measured from the center of each one of these units. They are as follows:

**First Zone.**—All territory included within the local delivery of any office; the first zone rate to apply to all packages deposited at an office or on any of its rural routes for local delivery, or for delivery on any of the rural routes emanating from that office.

**Second zone.**—All territory outside the first zone and with a radius of one hundred and fifty miles.

**Third zone.**—All territory outside the second zone and included within a radius of three hundred miles.

**Fourth zone.**—All territory outside the third zone and included within a radius of six hundred miles.

**Fifth zone.**—All territory outside the fourth zone and included within a radius of one thousand miles.

**Sixth zone.**—All territory outside the fifth zone and included within a radius of one thousand four hundred miles.

**Seventh zone.**—All territory outside the sixth zone and included within a radius of one thousand eight hundred miles.

**Eighth zone.**—All territory outside the seventh zone.

All units of area cut by a zone line drawn on the proper radius are considered wholly within the zone line that cuts them.

Every postoffice in the United States is assigned, according to its geographical position, to one of these units of area. If therefore it be known in what unit of area a certain postoffice lies, it is only necessary to draw the zones to proper scale from the center of the unit to find out its relation to every other postoffice in the country.

Maps showing all units of area and with zone lines drawn for any particular postoffice, together with a guide showing the unit of area in which every postoffice in the United States is located, can be had from the Postoffice Department for seventy-five cents.

**Rates and Postage.**—Parcels weighing four ounces or less are mailable at the rate of one cent for each ounce or fraction of an ounce, regardless of distance. Parcels weighing more than four ounces are mailable at the pound rates shown in the following table, a fraction of a pound being considered a full pound.

The rates for the different zones are as follows:

Weight.	First- zone rate.	Second- zone rate.	Third- zone rate.	Fourth- zone rate.	Fifth- zone rate.	Sixth- zone rate.	Seventh- zone rate.	Eighth- zone rate.
1 pound.....	\$0.05	\$0.05	\$0.07	\$0.08	\$0.09	\$0.10	\$0.11	\$0.12
2 pounds.....	.06	.06	.12	.14	.16	.19	.21	.24
3 pounds.....	.06	.07	.17	.20	.23	.28	.31	.36
4 pounds.....	.07	.08	.22	.26	.30	.37	.41	.48
5 pounds.....	.07	.09	.27	.32	.37	.46	.51	.60
6 pounds.....	.08	.10	.32	.38	.44	.55	.61	.72
7 pounds.....	.08	.11	.37	.44	.51	.64	.71	.84
8 pounds.....	.09	.12	.42	.50	.58	.73	.81	.96
9 pounds.....	.09	.13	.47	.56	.65	.82	.91	1.08
10 pounds.....	.10	.14	.52	.62	.72	.91	1.01	1.20
11 pounds.....	.10	.15	.57	.68	.79	1.00	1.11	1.32

Packages up to four ounces 1 cent an ounce for all zones.

1st or 2d zone, limit of 20 pounds; 3d to 8th zone, inclusive, limit of 11 pounds.

Other rates and zones unchanged.

**Rates Over Eleven Pounds.**

Weight.	First Zone.	Second Zone.	Weight.	First Zone.	Second Zone.	Weight.	First Zone.	Second Zone.
12 pounds.....	\$0.11	\$0.16	15 lbs.	\$0.12	\$0.19	18 lbs.	\$0.14	\$0.22
13 pounds.....	.11	.17	16 lbs.	.13	.20	19 lbs.	.14	.23
14 pounds.....	.12	.18	17 lbs.	.13	.21	20 lbs.	.15	.24

The parcel post rate between any point in the United States and any point in the Hawaiian Islands, the United States Postal Agency at Shanghai, and any point in Alaska, and between any two points in Alaska, except for parcels weighing four ounces or less, on which the rate is one cent for each ounce or fraction thereof, shall be twelve cents for the first pound and twelve cents for each additional pound or fraction thereof. These rates also apply to parcels mailed in the United States for delivery in the Canal Zone, and to parcels between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions.

The eighth zone rate of postage, except on parcels weighing four ounces or less, on which the rate shall be as prescribed in section 3, shall apply to all parcels of fourth-class matter mailed in the United States for delivery in Canada, Mexico, Cuba, and the Republic of Panama: Provided (a), That as prescribed by existing special postal conventions with these countries such parcels shall not exceed two kilograms (4 lbs. 6 ozs.) in weight, and (b) that nothing in this section shall affect the dispatch of parcel post packages to Mexico and the Republic of Panama up to eleven pounds (5 kilograms) in weight under the existing parcel post conventions with these countries.

Seeds, cuttings, bulbs, roots, scions, and plants are matter of the fourth class, notwithstanding that a special rate of postage (one cent for each two ounces or fraction thereof regardless of distance) applies thereto. The limit of weight is increased to eleven pounds by the parcel post law, but no other change is made.

Cut flowers, dried plants, and botanical specimens not susceptible of propagation are transmissible at parcel post rates.

Samples of wheat or other grain in its natural condition, potatoes, beans, peas, chestnuts, acorns, etc., when intended for planting, must be prepaid at the special rate of postage, but when intended to be used as food the parcel post rates apply.

Any stamps are acceptable for the payment of postage on parcel post matter. If unpaid or insufficiently paid, a parcel shall be held for postage and the sender or the addressee will be notified of the proper amount of postage that must be forwarded to insure its dispatch or delivery.

Parcels under four ounces may be dropped in a mail box, but parcels over four ounces in weight, and all insured parcels or parcels sent C. O. D. must be brought to a postoffice or station and there handed to a window clerk assigned to the duty of handling parcel post.

Parcels collected on star routes must be deposited in the next postoffice at which the carrier arrives and postage charged at the rate from that office.

Postmasters must examine parcels when presented for mailing to ascertain that the postage is fully prepaid.

When any parcel offered for mailing is sealed or otherwise closed against inspection, or contains or bears writing not permissible, it is subject to postage at the first-class rate and shall be treated as first-class matter (except as provided in the case of proprietary articles in original packages, etc.) If such a parcel exceeds four pounds in weight it is unmailable.

A parcel containing two or more classes of mail matter is chargeable with postage at the rate applicable to the highest class of matter inclosed. A parcel composed of two articles, one being matter of the third class and the other matter of the fourth class, is chargeable with postage at the fourth-class rate when such postage is equal to or greater than that which would be chargeable if the third-class rate were applicable. However, when the postage on a parcel containing both third and fourth class matter amounts to more at the third-class than at the fourth-class rate, owing to the graduated zone rates, the parcel must be charged with postage at the third-class rate (one cent for each two ounces or fraction of two ounces), and in such case the parcel must not exceed four pounds in weight, unless it is a single book.

Packages of merchandise packed according to parcel post regulations and unsealed will be accepted under a government frank up to a weight of eleven pounds.

**Insufficiently Prepaid Matter, etc.**—Parcel post mail insufficiently prepaid, if the sender cannot be located, will be held for postage and the addressee notified. Matter which is insufficiently or illegibly addressed will be returned to the sender at the rate of postage originally paid. If the sender is unknown, the matter will be sent to the Division of Dead Letters, at Washington, D. C., or destroyed.

**Forwarding.**—Parcels will be remailed or forwarded on payment of additional postage at the rate that would be charged if they were

originally mailed from the forwarding office, the necessary stamps being affixed by the forwarding postmaster. Payment must be made each time a parcel is forwarded.

**Delivery.**—The same rules for delivery, as set forth under "Mail Matter, Delivery," apply as well to parcel post as to other mail.

Parcel post packages will be delivered as promptly as possible. If wrongly addressed an effort will be made to find the proper address at which they can be delivered, and if a forwarding order is on file the addressee will be notified that a parcel addressed to his old address is being held and that if the proper amount of postage be sent, the amount being designated, the parcel will be forwarded to him.

If packages that contain matter that decays quickly, or that is otherwise perishable, or likely to become offensive, should be found undeliverable, the package will be destroyed, or if deemed proper, the postmaster may turn it over to some hospital, asylum, or other charitable or reformatory institution.

Parcels may be given the benefit of special delivery service under the usual special delivery rules. (See Special Delivery.)

**Preparation for Mailing.**—Parcels must be prepared for mailing in such manner that the contents can be easily examined.

A parcel must not be accepted for mailing unless it bears the name and address of the sender preceded by the word "From."

Special care should be used in packing parcels which contain liquids, butter, eggs, or other matter easily injured in transit, or which if broken may damage other mail matter.

**Fragile** articles, such as liquids, millinery, toys, musical instruments, etc., and articles consisting of wholly or in part glass, or contained in glass, must be securely packed, and attention should be called at the time of mailing to the fact that the package contains fragile matter, in order that it may be properly stamped "Fragile," thus insuring special treatment in the mails.

**Perishable** articles must be stamped at the office of mailing with the word "Perishable," in order that proper treatment may be given such mail.

It is extremely important that parcels be packed in accordance with the directions outlined herein, as investigations of complaints of damage to parcels in the mail show, in most cases, that the damage is due to failure sufficiently and securely to wrap the parcels for safe transmission.

**Boxes** to which the lids are nailed or screwed will be accepted, if with reasonable effort the lids may be removed for the purpose of examining the contents.

**Sewed Bags** will be accepted, provided it is apparent that the contents thereof is wholly fourth-class matter.

**Medicines** composed wholly or in part of poison or poisons, and anesthetic agents, which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmail-

able (see Mail Matter—Unmailable), when properly packed, will be accepted for mailing from the manufacturer thereof, or dealer therein, to licensed physicians, surgeons, pharmacists, or dentists.

**Dangerous Articles** otherwise admissible, which from their form or nature might damage other mail matter or equipment, or injure the person of any postal employee, may be mailed when packed in accordance with the following conditions:

When **not Liquid or Liquefiable**, they must be placed in a bag, box, or removable envelope, or wrapping, made of paper, cloth, parchment, or similar material, and inclosed in a box or tube of metal or wood, with a sliding clasp or screw lid. In the case of such articles liable to break, the inner box, bag, envelope, or wrapping must be surrounded by sawdust, excelsior, cotton, or other similar substances.

**Liquids, Oils, Pastes, Salves**, or other articles easily liquefiable, will be accepted for mailing when intended for delivery at the office of mailing or on a rural route starting therefrom, when inclosed in a glass or metal container, securely closed and heavily wrapped, provided it be not necessary to transport them over steam or electric railways. They will be accepted for mailing regardless of distance, when packed as follows:

When in strong glass bottles, holding four ounces or less, the total quantity sent in one parcel shall not exceed twenty-four ounces, liquid measure. Each bottle shall be wrapped in paper or other absorbent substance and placed in a box made of cardboard or other suitable material and then placed in a box and packed in a container made of double-faced corrugated pasteboard of good quality. The corners of the container must fit tightly and be reinforced with tape so as to prevent the escape of any liquid if the contents should be broken, and the whole parcel shall be securely wrapped with strong paper and tied with twine. Single bottles of liquid holding four ounces or less may also be packed as prescribed in the following paragraph:

When in glass bottles holding more than four ounces, the total quantity sent in one parcel shall not exceed sixteen ounces, liquid measure. The bottle must be very strong and must be inclosed in a block or tube of metal, wood, papier-mache, or similar material; and there must be provided between the bottle and the block or tube a cushion of cotton, felt, or other absorbent. The block or tube must be at least five thirty-seconds of an inch thick in its thinnest part for bottles holding eight ounces or less, and at least three-sixteenths of an inch thick for bottles holding more than eight ounces. The block or tube must be rendered water-tight by an application on the inside of paraffine or other suitable substance and must be closed by a screw-top cover with sufficient screw threads to require at least one and one-half complete turns before it will come off. The cover must be provided with a washer so that no liquid will escape if the bottle should be broken.

**Inflammable Liquids** are held to be any liquid or liquid mixture that gives off inflammable vapors at or below a temperature of 80° Fahrenheit, and therefore liquids having a flash-point higher than 80°



Fahrenheit will be accepted for mailing, when packed as outlined in the foregoing.

**Butter, Lard, Fish, Fresh Meats, Dressed Fowls, Vegetables, Fruits, Berries,** and other such perishable articles which decay quickly, when so packed or wrapped as to prevent damage to other mail matter, will be accepted for local delivery, either at the office of mailing, or any rural route starting therefrom. When inclosed in any inner cover and a strong outer cover of wood, metal, heavy corrugated pasteboard or other suitable material, and wrapped so that nothing can escape from the package, they will be accepted for mailing to all offices within the first zone. When intended for delivery at offices beyond the first zone, they must be packed in accordance with the foregoing sections relating to liquids, oils, pastes, salves, or other articles easily liquefiable accepted for mailing regardless of distance.

**Meat and Meat Food Products** will be accepted for mailing from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, when the provisions of the Act of June 30, 1906, and the regulations promulgated thereunder by the Department of Agriculture, have been complied with, and when properly packed; except that fresh meat will be accepted for mailing to offices within the first zone only.

**Vegetables and Fruits** which do not decay quickly will be accepted for mailing to any zone if packed so as to prevent damage to other mail matter.

**Eggs** will be accepted for local delivery when so packed in a basket or other container as to prevent damage to other mail matter. They will be accepted for mailing regardless of distance when each egg is wrapped separately and surrounded with excelsior, cotton, or other suitable material, and packed in a container made of double corrugated pasteboard, metal, wood, or other suitable material in such manner as to place each egg on its end and to prevent them from striking together or against the side or top of the container. Also there must be an outer cover of double corrugated pasteboard, metal, wood or other suitable material, and wrapped so that nothing can escape from the packages. All such parcels must be marked "Eggs."

**Flour** of all kinds must be put up in such manner as to prevent the package breaking or cracking or the flour being scattered in the mails.

**Candies, Confectionery, Yeast Cakes, Soap** in hard cakes, etc., must be inclosed in boxes and so wrapped as to prevent injury to other mail matter.

**Seeds** and other admissible articles, which are liable from their form or nature to loss or damage, unless specially protected, may be put up in sealed envelopes of material sufficiently transparent to show the contents clearly without opening.

**Seeds of fruit, Nursery Stock,** and all other **Plant Products** for propagation, must be mailed in accordance with the instructions of the Department of Agriculture.

**Queen Bees, Live Insects, and Dried Reptiles** may be mailed in accordance with the instructions of the Department of Agriculture.

**Specimens of Dried Blood** or of **Diseased Tissues** infected with communicable diseases, **Cultures** and **Tubercular Sputum** may be mailed in accordance with instructions of the Treasury Department (Bureau of Public Health and Marine Hospital Service).

**Hides, Pelts, or Furs** which have been cured or thoroughly dried and have no bad odor, will be admitted to the mails if properly packed so as to prevent grease soaking through the wrapper when subjected to the warmth of mail cars and postoffices.

**Ink Powders, Snuff, Pepper,** or other similar powders, not explosive, or any similar pulverized dry substance, not poisonous, will be accepted for mailing when packed in the manner prescribed herein for liquids, or when inclosed in cases made of metal, wood, papier-mache, or similar material, in such manner as to render impossible the escape of any of the contents.

**Hats,** when mailed in a pasteboard box, should be securely crated or inclosed in a wooden box of sufficient strength to withstand ordinary usage.

**Castings, Hardware, Plow Points, Pieces of Machinery, etc.,** should be wrapped to prevent damage to mail and equipment by their sharp points and rough edges.

**Sharp Pointed Instruments** should be packed with their points capped or encased, so that they cannot cut through their covering.

**Blades** should be bound so that they will remain firmly attached to each other or within their handles or sockets.

**Firearms,** either complete or in detached parts, will be accepted if properly packed. They must not be loaded.

**Clothing, Dry-goods, Shoes, etc.,** should be so put up as to reach their destination in unbroken packages, as, when the wrappers are broken, the contents are liable to be soiled and damaged.

**Proprietary** articles in sealed original packages, such as soap, tobacco, pills, tablets, etc., put up in fixed quantities by the manufacturer, and not in themselves unmailable, will be accepted for mailing when properly packed.

**Post Cards,** either blank or bearing pictures or printing on the message side, when sent in bulk, may be mailed as parcel post matter.

**Catalogues.** (See Parcel Post—Permissible Additions.)

**Coin, National Bank Notes,** and United States Treasury notes, will be accepted for mailing when properly packed.

#### **Permissible Additions.**

In addition to the name and address of the sender, which is required, it is permissible to write or print on the covering of a parcel, or on a tag or label attached to it, the occupation of the sender, and to indicate in a small space by means of marks, letters, numbers, names, or

other brief description, the character of the parcel, but ample space must be left on the address side for the full address in legible characters, and for the necessary postage stamps. Inscriptions such as "Merry Christmas," "Please do not open until Christmas," "Happy New Year," "With Best Wishes," and the like, may be placed on the covering of the parcel in such manner as not to interfere with the address.

Simple directions for repairing merchandise, placed on or with such articles, are regarded as for the purpose of description, as are also directions for taking medicine written on a label attached to or inclosed in such package, and are permissible.

Printing on an article of merchandise, or on its wrapper, or on a label pasted to it in such manner as to form an integral part of it, is also permissible. Printed matter relating to an article of merchandise which it accompanies, is regarded as descriptive of the article, and is permissible.

Order forms, mainly in print, are third-class matter. However, a single order form, mainly in print, may be inclosed with a parcel post mail, as may also a bill or invoice showing in writing or printing the name and address of the sender and of the addressee, the names and quantities of articles inclosed, together with inscriptions indicating "for purpose of description" the price, style, stock number, size and quality of the articles, the order or file number, date of order and date and manner of shipment, the initials or name of the salesman, or of the person by whom the articles were packed or checked. This invoice may be inclosed in a combination address tag and envelope, and may contain a reference to a card or letter (sent separately) concerning repairs, etc., also a request for the return of the envelope.

Printed catalogues are third-class mail, and samples of merchandise permanently attached thereto will not affect their classification as such when such samples constitute only an incidental feature of the catalogue, such samples being considered an incidental feature when less than twenty per cent of the space in a catalogue is occupied by them. When at least twenty per cent of the space in a catalogue is occupied with samples of merchandise, permanently attached thereto, the catalogue will be considered as parcel post mail.

**Unmailable.**—All articles covered in the laws defining unmailable matter (See Mail Matter—Unmailable) are inadmissible to the parcel post mail, and in addition the following:

Raw or green hides, pelts, or furs, and hides, pelts, or furs which have a bad odor. Lye, powdered or solid. Live or dead (and not stuffed) animals, birds, or poultry (except as prescribed herein), guano, or any article having a bad odor.

Spirituous, vinous, malted, fermented or other intoxicating liquors of any kind.

All matter not properly packed or prepared for mailing.

**Insurance.**—Parcels may be insured to their value or to a maximum limit of fifty dollars. Should the parcel be of the value of twenty-five

dollars or less it may be insured to a maximum of twenty-five dollars for a fee of five cents, payable in stamps affixed to the parcel. Should the parcel be of a value over twenty-five dollars it may be insured to a maximum of fifty dollars for a fee of ten cents, payable in stamps affixed to the parcel.

Domestic parcel post packages cannot be registered.

A receipt will be given to the sender for every insured parcel mailed, and if so desired, and a request to that effect be indorsed upon the insurance tag that must be affixed to every insured parcel, a return receipt from the addressee will be secured and forwarded back to the sender.

The liability of the Postoffice Department will cease when delivery of an insured parcel shall have been effected.

Also indemnity will be paid only for loss or damage that amounts to total loss.

**C. O. D. Parcels.**—Parcel post packages sent C. O. D. will be accepted for mailing on the payment of a fee of ten cents, payable by stamps affixed.

Collection up to the value of one hundred dollars will be made on any C. O. D. package, and the amount collected will be remitted to the sender by money order. On mailing a C. O. D. package the sender will make out the necessary tag and affix it to the parcel. This tag will bear the amount that is to be collected from the addressee. To this will be added by the receiving clerk the amount of the fee necessary to return the amount of the collection to the sender by money order, and this total amount will be collected from the addressee before delivery. The sender will be given a receipt for his C. O. D. parcel, but no receipt from the sender will be given, the return of the amount of the collection being held to be sufficient receipt from him.

The payment of the ten-cent fee for C. O. D. also includes the insurance of the parcel up to its value or a maximum of fifty dollars.

Addressees will not be permitted to examine a C. O. D. parcel before delivery and collection.

Postage and collection fee must be prepaid on all C. O. D. parcels, but the amount of the postage and fee may be included in the amount to be collected from the addressee.

The use of the "permit" and precanceled stamps is permitted on domestic parcel post mail. (See Postage and Classification.)

### **Foreign Parcel Post.**

Parcels submitted for mailing in this country are subject to all the rules regarding mailability, preparation and prohibition that relate to domestic parcel post. In addition a parcel is subject to all the regulations that govern mail in the country to which it is addressed. Thus, a parcel mailable in this country might not be mailable to some foreign countries and might be acceptable in others. If unmailable in this country, however, it would not be accepted even to countries where it might be considered mailable.

Also in the foreign parcel post system the matter of customs is involved, and it is therefore necessary to affix to each foreign package a tag form of customs declaration, setting forth the contents of the package and its value. This tag, verified by an examination of the contents of the parcel, form the basis on which the duty on the parcel, if any, is assessed and collected on delivery. This same system for the declaration of value and contents, and the assessment of the duty thereon applies to both incoming and outgoing parcels.

It is also frequently necessary in the delivery of certain foreign parcels to collect a delivery charge, generally five cents, from the addressee.

The following countries have Parcel Post conventions with the United States:

Australia, Austria, Bahamas, Barbados, Belgium, Bermuda, Bolivia, Brazil, British Guiana, Chile, Colombia, Costa Rica, Curacao, Danish West Indies (St. Croix, St. John and St. Thomas), Denmark (including Iceland and Faroe Islands), Dominican Republic, Dutch Guiana, Ecuador, France, Germany, Great Britain, including Ireland, Guadeloupe, Guatamala, Haiti, Honduras (British), Honduras (Republic of), Hong Kong, Hungary, Italy, Jamaica, including the Turks and Caicos Islands; Japan, including Formosa, Karafuto (Japanese Saghalien), and Korea; Leeward Islands (Antigua with Barbuda and Redonda, St. Kitts, Nevis, with Anguilla, Dominica, Montserrat and the Virgin Islands); Martinique, Netherlands, Newfoundland, New Zealand, including Fanning Island, Nicaragua, Norway, Panama (Republic), Peru, Salvador, Sweden, Trinidad, including Tobago, Uruguay (cannot register), Venezuela, Windward Islands (Grenada, St. Vincent, the Grenadines, and St. Lucia).

Postage on every foreign parcel post package must be fully prepaid at the rate of twelve cents per pound or each fraction of a pound.

The size of a parcel is important. Remember that length and girth combined must not be greater than six feet. A parcel three feet six inches long may be two feet six inches around its thickest part. The greatest length allowed is three and a half feet.

A Certificate of Mailing may be obtained by request.

A Customs Declaration accurately describing contents must be attached to parcel. Describe definitely. It is not sufficient to write only "samples" or "Merchandise." Fasten the customs tag through the eyelet with strong cord. For Salvador and The Netherlands attach two copies of "Declaration" to each parcel. For Venezuela three copies to each parcel. For France use a special form of customs declaration and attach two copies. Forms may be obtained at any postoffice.

Parcels may be sent to the Dead Letter Office if a customs declaration is not attached.

Communications of a personal nature must not be inclosed in foreign parcels, but an open bill or invoice may be included.

Foreign parcels must not contain articles addressed to persons other than the person named in the outside address of the parcel itself.

Liquids of all kinds are prohibited in foreign parcel post mails, except in the case of Brazil.

Besides these general prohibitions each country has certain particular prohibitions. These are constantly changing, and information regarding them should be sought at the postoffice. A notable example of these is the prohibition of playing cards, coin, gold, silver, jewelry, and precious articles in the parcel post mails to France.

By the additional payment of a registration fee of ten cents parcels may be registered to any country except France, Great Britain, Guadeloupe, Martinique, The Netherlands, Barbados, Dutch Guiana and Uruguay.

A limit of value of fifty dollars is placed on parcels for Ecuador.

The scope of the parcel post service to Germany has been extended to certain places in Africa and China. Official Postal Guide should be consulted.

Parcels addressed for delivery in Aberdeen, Amoy, Autau, Canton, Cheefoo, Chungchow, Foochow, Hoihao (Haihow), Kowloon, Liu Kung Tau, Ningpo, Pingshan, Saikung, Shatin, Sha Tau Kok, Swatow, China, are mailable subject to the rate and conditions applicable to parcels for Hong Kong.

Parcels addressed for delivery in Amoy, Changsha, Cheefoo, Foochow, Hangchow, Kiukiang, Newchwang, Peking, Shanghai, Shashi, Soochow, Tientsin, Tongku and Wuhu, China, and for certain places in Manchuria are mailable subject to the rate and conditions applicable to parcels for Japan. For Manchuria the list of places in the Official Postal Guide should be consulted.

Candy not containing fruit is mailable by foreign parcel post providing it is substantially packed.

The Postoffice Department is not responsible for the loss of, or damage to, any foreign parcel.

Do not drop foreign parcels in a letter box, but take them to the postoffice and hand them to the postal official in charge.

Parcels not properly wrapped will not be accepted. Pack and tie them securely and in such way that their contents may be easily examined without damaging the cover.

Additions to the address and to the contents of domestic parcel post packages permissible in this country are not allowed in the foreign parcel post mails.

## **SUGGESTIONS TO HOMESTEADERS AND PERSONS DESIRING TO MAKE HOMESTEAD ENTRIES.**

**1. Information as to Character and Occupancy of Public Lands.**—Persons desiring to make homestead entries should first fully inform themselves as to the character and quality of the lands they desire to enter, and should in no case apply to enter until they have visited and fully examined each legal subdivision for which they make application as satisfactory information as to the character and occupancy of public lands cannot be obtained in any other way.

**Affidavit.**—As each applicant is required to swear that he is well acquainted with the character of the land described in his application, and as all entries are made subject to the rights of prior settlers, the applicant cannot make the affidavit that he is acquainted with the character of the land, or be sure that the land is not already appropriated by a settler, until after he has actually inspected it.

**Plats.**—Information as to whether a particular tract of land is subject to entry may be obtained from the register or receiver of the land district in which the tract is located, either through verbal or written inquiry, but these officers must not be expected to give information as to the character and quality of unentered land or to furnish extended lists of lands subject to entry, except through plats and diagrams which they are authorized to make and sell as follows:

For a township diagram showing entered land only.....	\$1 00
For a township plat showing form of entries, names of claimants, and character of entries.....	2 00
For a township plat showing form of entries, names of claimants, character of entry, and number.....	3 00
For a township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc.....	4 00

**Township Diagram Showing Vacant Lands.**—Purchasers of township diagrams are entitled to definite information as to whether each smallest legal subdivision, or lot, is vacant public land. Registers and receivers are therefore required in case of an application for a township diagram showing vacant lands to plainly check off with a cross every lot or smallest legal subdivision in the township which is not vacant, leaving the vacant tracts unchecked. There is no authority for registers and receivers to charge and receive a fee of twenty-five cents for plats and diagrams of a section or part of a section of a township.

**Access to Plats and Tract Books.**—If because of the pressure of current business relating to the entry of lands registers and receivers are unable to make the plats or diagrams mentioned above, they may refuse to furnish the same and return the fee to the applicant, advising him of their reason for not furnishing the plats requested, that he may make the plats or diagrams himself, or have same made by his agent or attorney, and that he may have access to the plats and tract books of the local land office for this purpose, provided such use of the records will not interfere with the orderly dispatch of the public business.

**List Showing Character of Public Lands.**—A list showing the general character of all the public lands remaining unentered in the various counties of the public land States on the thirtieth day of the preceding June may be obtained at any time by addressing "The Commissioner of the General Land Office, Washington, D. C."

**Blank Forms.**—All blank forms of affidavits and other papers needed in making application to enter or in making final proofs can be ob-

tained by applicants and entrymen from the land office for the district in which the land lies.

**2. Kind of Land Subject to Homestead Entry.**—All unappropriated surveyed public lands adaptable to any agricultural use are subject to homestead entry if they are not mineral or saline in character and are not occupied for the purposes of trade or business and have not been embraced within the limits of any withdrawal, reservation, or incorporated town or city, but homestead entries on lands within certain areas (such as lands in Alaska, lands withdrawn under the reclamation act, certain ceded Indian lands, lands within abandoned military reservations, agricultural lands within national forests, lands in western and central Nebraska, and lands withdrawn, classified, or valuable for coal) are made subject to the particular requirements of the laws under which such lands are opened to entry. None of these particular requirements are set out in these suggestions, but information as to them may be obtained by either verbal or written inquiries addressed to the register and receiver of the land office of the district in which such lands are situated.

#### **HOW CLAIMS UNDER THE HOMESTEAD LAW ORIGINATE.**

**3. Claims, How Initiated.**—Claims under homestead laws may be initiated either by settlement on surveyed or unsurveyed lands of the kind mentioned in the foregoing paragraph, or by the filing of a soldier's or sailor's declaratory statement, or by the presentation of an application to enter any surveyed lands of that kind.

**4. Settlement—Actual Residence—Entry.**—Settlement is initiated through the personal act of the settler placing improvements upon the land or establishing residence thereon; he thus gains the right to make entry for the land as against other persons. A settlement on any part of a surveyed quarter section subject to homestead entry gives the right to enter all of that quarter section, but if a settler desires to initiate a claim to surveyed tracts which form a part of more than one technical quarter he should define his claim by placing some improvements on each of the smallest subdivisions claimed. When settlement is made on unsurveyed lands the settler must plainly mark the boundaries of all lands claimed. Within a reasonable time after settlement actual residence must be established on the land and continuously maintained. Entry should be made within three months after settlement upon surveyed lands or within that time after the filing in the local land office of the plat of survey of lands unsurveyed when settlement was made. Otherwise, the preference right of entry may be lost. Under the act of August 9, 1912 (37 Stat. 267), settlement right on not exceeding 320 acres of lands designated by the Secretary of the Interior as subject to entry under the enlarged homestead law may be obtained by plainly marking the exterior boundaries of all lands claimed, whether surveyed or unsurveyed, followed by the establishment of residence, except as to lands designated under section 6 of said acts, where residence is not required, but where the settlement



right is required to be initiated by plainly marking the exterior boundaries of the land claimed and the placing and maintenance of valuable improvements thereon.

**5. Soldiers' and Sailors' Declaratory Statements.**—Soldiers and sailors' declaratory statements may be filed in the land office for the district in which the lands desired are located by any persons who have been honorably discharged after ninety days' service in the army or navy of the United States during the war of the Rebellion or during the Spanish-American War or the Philippine insurrection. Declaratory statements of this character may be filed either by the soldier or sailor in person or through his agent acting under a proper power of attorney, but the soldier or sailor must make entry of the land in person, and not through his agent, within six months from the filing of his declaratory statement, or he may make entry in person without first filing a declaratory statement if he so chooses. If a declaratory statement is filed by a soldier or sailor in person, it must be executed by him before one of the officers mentioned in paragraph 16, in the county or land district in which the land is situated; if filed through an agent, the affidavit of the agent must be executed before one of the officers above mentioned, but the soldier's affidavit may be executed before any officer using a seal and authorized to administer oaths and not necessarily within the county or land district in which the land is situated.

#### **BY WHOM HOMESTEAD ENTRIES MAY BE MADE.**

**6. Any Person not Within Excluded Classes.**—Homestead entries may be made by any person who does not come within either of the following classes:

(a) Married women, except as hereinafter stated.

(b) Persons who have already made homestead entry, except as hereinafter stated.

(c) Foreign-born persons who have not declared their intention to become citizens of the United States.

(d) Persons who are the owners of more than one hundred and sixty acres of land in the United States.

(e) Persons under the age of twenty-one years who are not the heads of families, except minors who make entry as heirs, as hereinafter mentioned, or who have served in the army or navy during the existence of an actual war for at least fourteen days.

(f) Persons who have acquired title to or are claiming, under any of the agricultural public land laws, through settlement or entry made since August 30, 1890, any other lands which, with the lands last applied for, would amount in the aggregate to more than 320 acres.

**7. Married Woman may Make Entry.**—A married woman who has all of the other qualifications of a homesteader may make a homestead entry under any one of the following conditions:

(a) Where she has been actually deserted by her husband.

(b) Where her husband is incapacitated by disease or otherwise from earning a support for his family and the wife is really the head and main support of the family.

(c) Where the husband is confined in a penitentiary and she is actually the head of the family.

(d) Where the married woman is the heir of a settler or contestant who dies before making entry.

(e) Where a married woman made improvements and resided on the lands applied for before her marriage, she may enter them after marriage if her husband is not holding other lands under an unperfected homestead entry at the time she applies to make entry.

**8. Deserted Wife.**—If an entryman deserts his wife and abandons the land covered by his entry, his wife then has the exclusive right to contest the entry if she has continued to reside on the land, and on securing its cancellation she may enter the land in her own right, or she may continue her residence and make proof in the name of and as the agent for her husband, and patent will issue to him.

**9. Deserted Minor Children.**—If an entryman deserts his minor children and abandons his entry after the death of his wife, the children have the same right to make proof on the entry as the wife could have exercised had she been deserted during her lifetime.

**10. Marriage of Entrywoman.**—The marriage of the entrywoman after making entry will not defeat her right to acquire title if she continues to reside upon the land and otherwise comply with the law. A husband and wife cannot, however, maintain separate residences on homestead entries held by each of them, and if, at the time of marriage, they are each holding an unperfected entry on which they must reside in order to acquire title, they cannot hold both entries. In such case they may elect which entry they will retain and relinquish the other.

**11. Widow.**—A widow, if otherwise qualified, may make a homestead entry notwithstanding the fact that her husband made an entry and notwithstanding she may be at the time claiming the unperfected entry of her deceased husband.

**12. Person Serving in Army or Navy.**—A person serving in the army or navy of the United States may make a homestead entry if some member of his family is residing on the lands applied for, and the application and accompanying affidavits may be executed before the officer commanding the branch of the service in which he is engaged.

**13. Second Homestead Entries.**—Second homestead entries may be made by the following classes of persons if they are otherwise qualified to make entry:

(a) By a person who commuted a former entry prior to June 5, 1900.

(b) By a homestead entryman who, prior to May 17, 1900, paid the Indian price of lands to which he would have been afterward entitled to receive patent without payment under the "free homes act."

(c) By any person whose former entry was made prior to February 3, 1911, which entry has been subsequently lost, forfeited, or abandoned for any cause, provided the former entry was not canceled for fraud or relinquished or abandoned for a valuable consideration in excess of the filing fees paid on said former entry. If an entryman

received for relinquishing or abandoning his entry an amount in excess of the fees and commissions paid to the United States at time of making said entry, or if he sells his improvements for a sum in excess of such filing fees and relinquishes his entry in connection therewith, he cannot make a second entry.

(d) By persons whose original entries have failed because of the discovery, subsequent to entry, of obstacles which could not have been foreseen and which render it impracticable to cultivate the land, or because, subsequent to entry, the land becomes useless for agricultural purposes through no fault of the entryman. There is no specific statute authorizing the making of second entries in these classes of cases, and such entries are allowed under the general equitable power of the Land Department to grant relief in cases of accident and mistake.

(e) Any person otherwise qualified, who has made final proof for less than one hundred and sixty acres under the homestead laws, may make an additional entry for such an amount of public lands as will, when added to the amount for which he has already made proof, not exceed in the aggregate one hundred and sixty acres. Residence, cultivation, and improvement must be performed as in the case of an original entry.

(f) Each application for second or additional entry must give the date and number of the former entry and the land office at which it was made, or the section, township, and range in which the land entered was located. Any person coming within paragraphs (a), (b), or (e) must also give date when the former entry was perfected. Any person coming within paragraph (c) must show by the affidavit of himself and some other person or persons the date when his former entry was lost, forfeited, or abandoned; that it was not canceled for fraud; and the consideration, if any, received for the abandonment or relinquishment. Any person coming within paragraph (d) must, in addition to the evidence above specified, show in his corroborated affidavit the grounds on which he seeks relief, and that he used due diligence prior to entry to avoid mistake.

(g) A person who has made, lost, forfeited or abandoned an entry of less than one hundred and sixty acres is not entitled to another entry unless he comes within paragraph (c) or (d) above. Such a person cannot make another entry merely because his first entry contained less than one hundred and sixty acres.

**14. Additional Homestead Entry.**—An additional homestead entry may be made by a person for such an amount of public lands adjoining lands then held and resided upon by him under his original entry as will, when added to such adjoining lands, not exceed in the aggregate one hundred and sixty acres. An entry of this kind may be made by any person who has not acquired title to and is not, at the date of his application, claiming under any of the agricultural public land laws, through settlement or entry made since August 30, 1890, any other lands which, with the land then applied for, would exceed in the aggregate three hundred and twenty acres, but the applicant will not

be required to show any of the other qualifications of a homestead entryman. See, however, instructions under the enlarged homestead act (par. 47).

**15. Adjoining Farm Entry.**—An adjoining farm entry may be made for such an amount of public lands lying contiguous to lands owned and resided upon by the applicant as will not, with the lands so owned and resided upon, exceed in the aggregate one hundred and sixty acres; but no person will be entitled to make entry of this kind who is not qualified to make an original homestead entry. A person who has made one homestead entry, although for a less amount than one hundred and sixty acres, and perfected title thereto, is not qualified to make an adjoining farm entry.

### HOW HOMESTEAD ENTRIES ARE MADE.

**16. Presentation of Application.**—A homestead entry may be made by the presentation to the land office of the district in which the desired lands are situated of an application properly prepared on blank forms prescribed for that purpose and sworn to before either the register or the receiver, or before a United States commissioner, or a judge, or a clerk of a court of record, in the county or parish in which the land lies, or before any officer of the classes named who resides in the land district and nearest or most accessible to the land, although he may reside outside of the county in which the land is situated.

**17. Application and Affidavits must Recite Facts.**—Each application to enter and the affidavits accompanying it must recite all the facts necessary to show that the applicant is acquainted with the land; that the land is not, to the applicant's knowledge, either saline or mineral in character; that the applicant possesses all of the qualifications of a homestead entryman; that the application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation; that the applicant will faithfully and honestly endeavor to comply with the requirements of the law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that the applicant is not acting as the agent of any person, persons, corporation or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof; that the application is not made for the purpose of speculation, but in good faith to obtain a home for the applicant, and that the applicant has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever by which the title he may acquire from the Government to the lands applied for shall inure, in whole or in part, to the benefit of any person except himself.

**18. Applications must Describe Acts of Settlement.**—All applications by persons claiming as settlers must, in addition to the facts required in paragraph 17, state the date and describe the acts of settlement under which they claim a preferred right of entry, and applica-

tions by the widows, devisees, or heirs of settlers must state facts showing the death of the settler and their right to make entry, that the settler was qualified to make entry at the time of his death, and that the heirs or devisees applying to enter are citizens of the United States or have declared their intentions to become such citizens, but they are not required to state facts showing any other qualifications of a homestead entryman, and the fact that they have made a former entry will not prevent them from making an entry as such heirs or devisees, nor will the fact that a person has made entry as the heir or devisee of the settler prevent him from making an entry in his own individual right if he is otherwise qualified to do so.

**19. Applications by Soldiers, Sailors, or Their Widows.**—All applications by soldiers, sailors, or their widows, or the guardians of their minor children should be accompanied by proper evidence of the soldier's or sailor's service and discharge and of the fact that the soldier or sailor had not, prior to his death, made an entry in his own right. The application of the widow of the soldier or sailor must also show that she is unmarried and that the right has not been exercised by any other person. Applications for the children of soldiers or sailors must show that the father died without having made entry, that the mother died or remarried without making entry, and that the person applying to make entry for them is their legally appointed guardian.

**20. Must be Accompanied by Fee and Commissions.**—Applications for entry must be accompanied by the proper fee and commissions. (See par. 41.) A receipt for the money is at once issued, but this is merely evidence that the money has been paid and as to the purpose thereof. If the application is allowed and the entry placed of record, formal notice of this fact is issued on the prescribed form; if the application is rejected or suspended, notice of such action is forwarded to the applicant as soon as practicable.

### **RIGHTS OF WIDOWS, HEIRS, OR DEVISEES UNDER THE HOMESTEAD LAWS.**

**21. Right of Entry After Decease of Settler.**—If a homestead settler dies before he makes entry, his widow has the exclusive right to enter the lands covered by his settlement. If there be no widow, the right to enter the lands covered by the settlement passes to the persons who are named as heirs of the settler by the laws of the State in which the land lies. If there be no widow or heirs, the right to enter the lands covered by the settlement passes to the person to whom the settler has devised his rights by a proper will; but a devisee of the claim will not be entitled to take when there is a widow or an heir of the settler. The persons to whom the settler's right of entry passes must make entry within the time named in paragraph 4 or they will forfeit their right to the next qualified applicant. They may, however, make entry after that time if no adverse claim has attached.

**22. Rights After Decease of Entryman Before Final Proof.**—If a homestead entryman dies before making final proof, his rights under

his entry will pass to his widow; or if there be no widow, and the entryman's children are all minors, the right to a patent vests in them upon making publication of notice and proof of the death of the entryman without a surviving widow, that they are the only minor children and that there are no adult heirs of the entryman, or the land may be sold for the benefit of such minor children in the manner in which other lands belonging to minors are sold under the laws of the State or Territory in which the minors are domiciled.

If the children of a deceased entryman are not all minors and his wife is dead, his rights under the entry pass to the persons who are his heirs under the laws of the State or Territory in which the lands are situated. If there be no widow or heirs of the entryman, the rights under the entry pass to the person to whom the entryman has devised his rights by proper will, but a devisee of the entry will be entitled to take only in the event there is no widow or heir of the entryman.

**23. Rights After Decease of Contestant.**—If a contestant dies after having secured the cancellation of an entry, his right as a successful contestant to make entry passes to his heirs; and if the contestant dies before he has secured the cancellation of the entry he has contested, his heirs may continue the prosecution of his contest and make entry if they are successful in the contest. In either case to entitle the heirs to make entry they must show that the contestant was a qualified entryman at the date of his death; and in order to earn a patent the heirs must comply with all the requirements of the law under which the entry was made, to the same extent as would have been required of the contestant had he made entry.

**24. Entry by Widow or Minor Children of Deceased Soldier or Sailor.**—The unmarried widow, or, in case of her death or remarriage, the minor children of soldiers and sailors who were honorably discharged after ninety days' actual service during the War of the Rebellion, the Spanish-American War, or the Philippine insurrection may make entry as such widow or minor children if the soldier or sailor died without making entry, or failed to perfect an entry and was, at the time of his death, qualified to make another. The minor children must make a joint entry through their duly appointed guardian.

## **RESIDENCE AND CULTIVATION REQUIRED UNDER THE HOMESTEAD LAWS.**

**25. Residence.**—A homestead entryman is required to establish residence upon the land within six months after date of entry unless an extension of time is allowed, as explained in paragraph 35, and is required to maintain residence there for a period of three years. He may absent himself, however, for a portion of each year succeeding establishment of residence, as more fully explained in paragraph 26. Residence and cultivation in the case of an adjoining farm homestead or of an additional homestead entry for a tract contiguous to

an original homestead entry may be maintained either upon the original or additional farm.

**26. Absences Permitted.**—During each year, beginning with the date of establishment of actual residence, the entryman may absent himself from the land for one period of not exceeding five months, but the law does not authorize a number of shorter absences aggregating this period. In order to be entitled to this absence the entryman need not file application therefor, but must at the time he leaves the land file, by mail or otherwise, at the proper local land office, notice of time of leaving, and upon returning to the land must notify said office of the date of his return. A second period of absence immediately following the first, though in different years of residence, is not permitted by the law; there must be some substantial term of actual continuous residence between the periods of absence.

**27. Cultivation.**—(a) Cultivation of the land for a period of three years is required. During the second year not less than one-sixteenth of the area entered must be actually cultivated, and during the third year and until final proof cultivation of not less than one-eighth is required. There must be actual breaking of the soil followed by planting, sowing of seed, and tillage for a crop other than native grasses. Summer fallowing or grazing of cattle cannot be accepted. These requirements are applicable to all homesteads on which residence is required whether made under the general or enlarged homestead laws, but do not apply to homesteads made under the reclamation act or the so-called Kinkaid act, applicable to Nebraska. As to amount of cultivation required under section 6 of the enlarged homestead acts, see paragraphs 48 and 49.

**Reduction of Amount of Cultivation.**—(b) Where the amount of cultivation above indicated is impossible or would be unreasonable, the Secretary of the Interior may, on satisfactory showing, reduce the required amount. Such reduction will not be granted on account of physical or financial disabilities or misfortunes of the entryman. Applications for reduction (Form 4-007a) must be filed in the proper local land office within one year after date of entry, setting forth all pertinent facts regarding the physical and climatic conditions appertaining to the land; as to entries made before June 6, 1912, such applications must be filed prior to June 6, 1913.

**Improvements.**—(c) The homestead entryman must have a habitable house upon the land entered at the time of submitting proof. Other improvements should be of such character and amount as are sufficient to show good faith.

**Proofs Where Homestead Entry Made Prior to June 6, 1912.**—(d) By paragraph 18 of the instructions of July 15, 1912, the Secretary of the Interior (under his statutory authority to reduce the requirements as to cultivation) prescribed the following rule to govern action on proofs submitted under the new law, where the homestead entry was made prior to June 6, 1912:

"Respecting cultivation necessary to be shown upon such an entry, in all cases where, upon considering the whole record, the good faith of the entryman appears, the proof will be acceptable if it shows cultivation of at least one-sixteenth for one year and of at least one-eighth for the next year and each succeeding year until final proof, without regard to the particular year of the homestead period in which the cultivation of the one-sixteenth was performed."

**Entries Made Prior to June 6, 1912, How Perfected.**—(e) Entries made prior to June 6, 1912, may be perfected either by showing compliance with the laws then in force or with the requirements of the act of June 6, 1912.

**Proof by Settler Prior to June 6, 1912.**—(f) Where a qualified person settled upon a tract of unsurveyed public land, subject to settlement, prior to the passage of the act of June 6, 1912, but made entry after its enactment or shall hereafter make entry, he may elect to submit proof under said act or under the law existing when he established his residence upon the land. The filing of a formal election is not required, but the designation of three year or five year proof, in the notice to submit same, may constitute such election.

**28. Residence by Soldier or Sailor.**—A soldier or sailor of one of the classes mentioned in paragraph 5 who makes entry as such must begin his residence and cultivation of the land entered by him within six months from the date of filing his declaratory statement, but if he makes entry without filing a declaratory statement he must begin his residence within six months after the date of the entry. Thereafter he must continue both residence and cultivation for such period as will, when added to the time of his military or naval service (under enlistment or enlistments covering war periods), amount to three years; but if he was discharged on account of wounds or disabilities incurred in the line of duty, credit for the whole term of his enlistment may be allowed; however, no patent will issue to such soldier or sailor until there has been residence and cultivation by him for at least one year, nor until at least one-eighth of the land has been actually cultivated and a habitable house has been placed on the entry.

No credit can be allowed for military service where commutation proof is offered.

**29. Soldier or Sailor Making Entry During Enlistment in Time of Peace.**—A soldier or sailor making entry during his enlistment in time of peace is not required to reside personally on the land, but may receive patent if his family maintain the necessary residence and cultivation until the entry is three years old or until it has been commuted; but a soldier or sailor is not entitled to credit on account of his military service in time of peace. If such soldier has no family, there is no way by which he can make entry and acquire title during his enlistment in time of peace.

**30. Entry Based on Husband's or Father's Military or Naval Service.** Widows and minor children of soldiers and sailors who make entry



based on the husband's or father's military or naval service must conform to the requirements specified for the soldier or sailor in paragraph 28.

**31. Widow, Heirs, or Devisee of Settlers must Improve and Cultivate.**

Persons who make entry as the widow, heirs, or devisee of settlers are not required to reside upon the land entered by them, but they must improve and cultivate it for such period as, added to the time during which the settler resided on and cultivated the land, will make the required period of three years, and the cultivation must be to the extent required by the law under which the proof is offered. Commutation proof may, however, be made upon showing fourteen months' actual residence and cultivation had either by the settler or the heirs, devisee, or widow, or in part by the settler and in part by the widow, heirs, or devisee.

**32. Widow, Heirs, or Devisees of Homestead Entryman must Cultivate.**—Persons succeeding as widow, heirs, or devisees to the rights of a homestead entryman are not required to reside upon the land covered by the entry, but they must cultivate it as required by law for such period as will, added to the entryman's period of compliance with the law, aggregate the required term of three years. They are allowed a reasonable time after the entryman's death within which to begin cultivation, proper regard being had to the season of the year at which said death occurred. If they desire to commute the entry, they must show a fourteen months' period of such residence and cultivation on the part of themselves or the entryman, or both, as would have been required of him had he survived.

**33. Homestead Entryman Elected to Federal, State or County Offices.**—Homestead entrymen, who have been elected to Federal, State, or county offices after making entry and establishing their actual residence on the land are not required to continue such residence during their term of office if the administration of their *bona fide* official duties necessarily requires them to reside elsewhere than on the land, but they must continue the improvement and cultivation of the land for the statutory period. Such officeholder cannot commute his entry unless he can show at least fourteen months' actual residence on the land preceding date of final proof. A person who makes entry or establishes residence after he has been elected to office is not excused from maintaining residence, but must comply with the law in the same manner as though he had not been elected. Persons holding appointive offices are not entitled to the foregoing privileges.

**34. Insane Homestead Entryman.**—Neither residence nor cultivation by an insane homestead entryman is necessary after he becomes insane, if such entryman made entry and established residence before he became insane and complied with the requirements of the law up to the time his insanity began. Proof on the entry may be submitted by his duly appointed guardian or committee after the expiration of three years from its date. If the entryman is an alien and has not been

fully naturalized, evidence of his declaration of intention to become a citizen is sufficient.

**35. (a) Additional Time for Establishment of Residence.**—A homestead entryman is allowed additional time not exceeding six months, for establishment of residence upon his entry where climatic reasons, sickness or other unavoidable cause prevents establishing residence within the first six months after entry. Such extension will not be granted in advance, and no application therefor should be filed; but in the event adverse proceedings are started against his entry the homesteader may set forth the facts causing the delay in the establishment of residence, and on proper showing secure the benefit of the provision of law granting the extension of time. The entryman, however, is not entitled to any additional time within which to establish residence after the hindering cause is removed, but must thereafter promptly proceed to establish his residence.

**(b) Leave of Absence.**—Leave of absence for one year or less may be granted by the register and receiver of the local land office to entrymen who have established actual residence on the lands in cases where total or partial failure or destruction of crops, sickness, or other unavoidable casualty has prevented the entryman from supporting himself and those dependent on him by cultivation of the land. Applications for such leave of absence must be sworn to by the applicant and corroborated by at least one witness in the land district or county within which the entered lands are located before an officer authorized to administer oaths and having a seal. Applications must describe the entry and show the date of establishing residence on the land and the extent and character of the improvements and cultivation performed by applicant. It must also set forth fully the facts on which the claimant bases his right to leave of absence, and where sickness is given as the reason, a certificate signed by a reputable physician should be furnished if practicable.

### COMMUTATION OF HOMESTEAD ENTRIES.

**36. What may be Commuted.**—All original, second, and additional homestead, and adjoining farm entries may be commuted, except such entries as are made under particular laws which forbid their commutation.

**Showing on Commutation.**—The entryman or his statutory successor submitting such proof, must show substantially continuous residence upon the land, and cultivation thereof, for a period of at least fourteen months immediately preceding submission of proof or filing of notice of intention to submit same, and the existence of a habitable house upon the claim. The area actually cultivated must equal at least one-sixteenth of the entire acreage.

**Price of Land.**—A person submitting commutation proof must, in addition to certain fees, pay the price of the land; this is ordinarily \$1.25 per acre, but is \$2.50 per acre for lands within the limits of cer-

tain railroad grants. The price of certain ceded Indian lands varies according to their location, and inquiry should be made regarding each specific tract.

**Showing of Citizenship on Commutation.**—Where commutation of entry is made, full citizenship on the part of the claimant must be shown, no distinction being made between persons submitting such proofs and those submitting three year proofs.

**Commutation, When not Allowed.**—Commutation proof cannot be made on homestead entries allowed under the act of April 28, 1904 (33 Stat. 547), known as the Kinkaid act; entries under the reclamation act of June 17, 1902 (32 Stat. 388); entries under the enlarged homestead acts (post, par. 43 et seq.); entries allowed on coal lands under the act of June 22, 1910 (36 Stat. 583), so long as the land is withdrawn or classified as coal; additional entries allowed under the act of April 28, 1904 (33 Stats. 527); second entries allowed under the act of June 5, 1900 (31 Stat. 267); or second entries allowed under the act of May 22, 1902 (32 Stat. 203), when the former entry was committed.

### FINAL PROOFS ON HOMESTEAD ENTRIES.

**37. Time of Making.**—Either final or commutation proof may be made at any time when it can be shown that residence and cultivation have been maintained in good faith for the required length of time and to the required extent. Proof under the act of June 6, 1912, must be submitted within five years after the date of the entry, while proof submitted under the law in force before that date must be made within seven years after the date of the entry. Failure to submit proof within the proper period is ground for cancellation of the entry unless good reason for the delay appears; satisfactory reasons being shown, final certificate may be issued, and the case referred to the board of equitable adjudication for confirmation. See, also, paragraph 27 (e).

**38. Must be Made Personally.**—(a) Final proof must be made by the entrymen personally or their widows, heirs, or devisees, and cannot be made by agents, attorneys in fact, administrators, or executors, except as explained in paragraphs 8, 9, 22, and 34. Final proof can be made only by citizens of the United States.

(b) **Minors may be Represented by Guardian.**—Where entries are made and proof offered for minor orphan children of soldiers or sailors the minors may be represented by their guardian.

**39. How Proofs may be Made.**—Final or commutation proofs may be made before any of the officers mentioned in paragraph 16 as being authorized to administer oaths to applicants.

Any person desiring to make homestead proof should first forward a written notice of his desire to the register and receiver of the land office, giving his postoffice address, the number of his entry, the name and official title of the officer before whom he desires to make proof, the place at which the proof is to be made, and the name and postoffice

addresses of at least four of his neighbors who can testify from their own knowledge as to facts which will show that he has in good faith complied with all the requirements of the law.

**40. Register to Furnish Notice.**—The register will furnish a notice naming the time and place for submission of proof to the claimant, who must cause same to be published at his expense once a week for five consecutive weeks preceding submission of proof in the newspaper designated by the register.

**Publication of Notice of Intention to Make Proof.**—This notice must be published once a week for five consecutive weeks preceding submission of proof, and a copy thereof must be posted in a conspicuous place in the office of the register. The homesteader must arrange with the publisher for publication of the notice of intention to make proof and make payment therefor directly to him. The register will be responsible for the correct preparation of the notice.

**Hearing and Continuances.**—On the day named in the notice the entryman must appear before the officer designated to take proof with at least two of the witnesses named in the notice; but if for any reason the entryman and his witnesses are unable to appear on the date named, the officer should continue the case from day to day until the expiration of ten days, and the proof may be taken on any day within that time when the entryman and his witnesses appear, but they should, if it is at all possible to do so, appear on the day mentioned in the notice. Entryman are advised that they should, whenever it is possible to do so, offer their proofs before the register or receiver, as it may be found necessary to refer all proofs made before other officers to a special agent for investigation and report before patent can issue. While, if the proofs are made before the register or receiver, there is less likelihood of this being done, and there is less probability of the proofs being incorrectly taken. By making proof before the register or receiver the entryman will also save the fees which they are required to pay other officers, as they will be required under the law to pay the register and receiver the same amount of fees in each case, regardless of the fact that the proof may have been taken before some other officer.

**Improperly Commuting Entries.**—Entryman are cautioned against improvidently and improperly commuting their entries, and are warned that any false statement made in either their commutation or final proof may result in their indictment and punishment for the crime of perjury.

### **FEES ON ENTRIES AND FINAL PROOFS.**

**41. Fees and Commissions.**—When a homesteader applies to make entry he must pay in cash to the receiver a fee of \$5 if his entry is for eighty acres or less, or \$10 if he enters more than eighty acres. And in addition to this fee he must pay, both at the time he makes entry and final proof, a commission of \$1 for each forty-acre tract entered

outside of the limits of a railroad grant and \$2 for each forty-acre tract entered within such limits. Fees under the enlarged homestead act are the same as above, but the commissions are based upon the area of the land embraced in the entry. (See paragraph 43.) Where an entry is commuted no commissions are payable, except in connection with certain ceded Indian lands, as to which inquiry must be made specifically at the proper local land offices. On all final proofs made before either the register or receiver, or before any other officer authorized to take proofs, the register and receiver are entitled to receive fifteen cents for each one hundred words reduced to writing, and no proof can be accepted or approved until all fees have been paid.

In all cases where lands are entered under the homestead laws in Arizona, *California*, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming the commissions due to the register and receiver on entries and final proofs, and the testimony fees under final proofs, are fifty per cent more than those above specified, but the entry fee of \$5 or \$10, as the case may be, is the same in all the States.

**Remittances—How Made.**—Remittances of moneys to the local land offices must be made in cash or currency; but certified checks when drawn in favor of the receiver of public moneys on national and State banks and trust companies, which can be cashed without cost to the government, can be used. Likewise, United States postoffice orders are acceptable when they are made payable to the receiver and are drawn on the postoffice at the place where the receiver is located.

### **ALIENATION OF LAND BY HOMESTEADER.**

**42. Alienation Prior to Proof will Prevent Satisfactory Proof.**—The alienation of all or any part of the land embraced in a homestead prior to making proof, except for the public purposes mentioned in section 2288, Revised Statutes, will prevent the entryman from making satisfactory proof, since he is required to swear that he has not alienated any part of the land except for the purposes mentioned in section 2288, Revised Statutes.

**Mortgage not Considered Alienation.**—A mortgage by the entryman prior to final proof for the purpose of securing money for improvements, or for any other purpose not inconsistent with good faith, is not considered such an alienation of the land as will prevent him from submitting satisfactory proof. In such a case, however, should the entry be canceled for any reason prior to patent, the mortgagee would have no claim on the land or against the United States for the money loaned.

**Alienation After Proof and Before Patent.**—The right of a homestead entryman to patent is not defeated by the alienation of all or a part of the land embraced in his entry after the submission of final proof and prior to patent, provided the proof submitted is satisfactory. Such an alienation is, however, at the risk of the entryman.

for if the reviewing officers of the Land Department subsequently find the final proof so unsatisfactory that it must be wholly rejected and new proof required, the entryman cannot then truthfully make the nonalienation affidavit required by section 2291, Revised Statutes, and his entry must in consequence be canceled. The purchaser takes no better title than the entryman had, and if the entry is canceled the purchaser's title must necessarily fail.

### ENLARGED HOMESTEADS.

**43. Homestead Entries for Areas not Exceeding Three Hundred and Twenty Acres.**—The acts of February 19, 1909, June 17, 1910, and June 13, 1912 (37 Stat. 101), extending the first-named act to North Dakota and California, provide for the making of homestead entries for areas of not exceeding three hundred and twenty acres of public lands in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming, designated by the Secretary of the Interior as nonmineral, nontimbered, nonirrigable. As to Idaho, the act of June 17, 1910, provides that the lands must be "arid."

**Terms "Arid" or "Nonirrigable" Land.**—The terms "arid" or "nonirrigable" land, as used in these acts, are construed to mean land which, as a rule, lacks sufficient rainfall to produce agricultural crops without the necessity of resorting to unusual methods of cultivation, such as the system commonly known as "dry farming," and for which there is no known source of water supply from which such land may be successfully irrigated at a reasonable cost.

**Lands Which may not be Entered Under These Acts.**—Therefore lands containing merchantable timber, mineral lands, and lands within a reclamation project, or lands which may be irrigated at a reasonable cost from any known source of water supply may not be entered under these acts. Minor portions of a legal subdivision susceptible of irrigation from natural sources, as, for instance, a spring, will not exclude such subdivision from entry under these acts, provided, however, that no one entry shall embrace in the aggregate more than forty acres of such irrigable land.

**44. Designation of Lands.**—From time to time lists designating the lands which are subject to entry under these acts are sent to the registers and receivers in the States affected, and they are instructed immediately upon the receipt of such lists to note the same upon their tract books. In the order designating land a date is fixed on which such designation will become effective. Until such date no applications to enter can be received and no entries allowed under these acts, but on or after the date fixed it is competent for the registers and receivers to dispose of applications for land designated under the provisions of these acts in like manner as other applications for public lands.

**Designation not Conclusive.**—The fact that lands have been designated as subject to entry is not conclusive as to the character of such lands, and should it afterward develop that the land is not of the

character contemplated by the above acts the designation may be canceled; but where an entry is made in good faith under the provisions of these acts, such designation will not thereafter be modified to the injury of anyone who, in good faith, has acted upon such designation. Each entryman must furnish affidavit as required by section 2 of the acts.

**45. Compactness.**—Lands entered under the enlarged homestead acts must be in a reasonably compact form and in no event exceed one and one-half miles in length.

**Fees.**—The acts provide that the fees shall be the same as those now required to be paid under the homestead laws; therefore, while the fees may not in any one case exceed the maximum fee of \$10 required under the general homestead law, the commissions will be determined by the area of the land embraced in the entry.

**46. Form of Application.**—Applications to make entry under these acts must be submitted on forms prescribed by the General Land Office, and in case of an original entry on No. 4-003.

**Affidavit must be Corroborated.**—The affidavit of an applicant as to the character of the land must be corroborated by two witnesses. It is not necessary that such witnesses be acquainted with the applicant, and if they are not so acquainted their affidavits should be modified accordingly.

**47. Entries of Adjoining Designated Lands.**—(a) Under section 3 of the enlarged homestead acts persons who have entered one hundred and sixty acres or less of lands of the character described in the act and designated by the Secretary of the Interior thereunder, and who have not made final proof on their original entries, may enter adjoining designated lands which will not, together with the tract first entered, exceed three hundred and twenty acres, and residence upon and cultivation of the original entry may be accepted as equivalent to residence upon and cultivation of the additional.

(b) **Rules of Proof Where Original Entry is Prior to June 6, 1912.**—Where a person has, prior to June 6, 1912, made entry under the general provisions of the homestead laws, and subsequently an additional entry under said section 3, the following rules govern the requirements as to the cultivation and residence to be shown by him, on submission of proof:

(c) **Cultivation.**—He may show compliance with the requirements of the law applicable to his original entry, and that, after the date of additional entry, he cultivated, in addition to such cultivation as was relied upon, and used in perfecting title to the original entry, an amount equal to one-sixteenth of the area of the additional entry for one year, not later than the second year of such additional entry, and one-eighth the following year and each succeeding year until proof submitted; however, the rules explained in paragraph 27 (d) are applicable to such cases. The cultivation in support of the additional entry may be maintained upon either entry.

(d) **When Proof is Submitted on Both Entries at the Same Time.**—When proof is submitted on both entries at the same time, he may show the cultivation of an amount equal to one-sixteenth of the combined area of the two entries for one year, increased to one-eighth the succeeding year, and that such latter amount of cultivation has continued until offer of proof. If cultivation in these amounts can be shown, proof may be submitted without regard to the date of the additional entry, i. e., the required amount of cultivation may have been performed in whole or in part on the original entry before the additional entry was made, and proof on the additional need be deferred only until the showing indicated can be made. Such combined proof may be submitted not later than seven years from the date of the original entry.

(e) **Where Proof is First Made on the Original Entry.**—In instances where proof is first made on the original entry meeting the requirement of the homestead law respecting residence, no further showing in this particular will be exacted in making proof upon the additional entry; neither will a period of residence be exacted in proof upon the combined entry in excess of that required under the original entry.

**48. Constructive Residence on Certain Lands in Utah.**—Lists of lands designated under this section will be from time to time furnished to the registers and receivers, who will be instructed to note same on their tract books immediately upon their receipt. These lists will fix a date on which the designations will become effective. Applications under this section must be submitted on Form No. 4—003a.

During the second year of the entry at least one-eighth of the area must be cultivated, and during the third, fourth, and fifth years, and until submission of final proof, one-fourth of the area entered must be cultivated. Proof may be submitted on entries of this class within seven years after their dates.

**49.** [Omitted.]

**50. Officers Before Whom Applications and Proofs may be Made.**—The acts provide that any person applying to enter land under the provisions thereof shall make and subscribe before the proper officer an affidavit, etc. The term "proper officer," as used herein, is held to mean any officer authorized to take affidavits or proof in homestead cases.

FRED DENNETT,  
Commissioner.

Approved:  
LEWIS C. LAYLIN,  
Assistant Secretary.



## UNITED STATES HOMESTEAD LAWS.

### REVISED STATUTES.

**§ 2288. Right to Transfer for School Purposes, or for Right of Way.** Any *bona fide* settler under the pre-emption, homestead, or other settlement law shall have the right to transfer by warranty against his own acts any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim.

**§ 2289. Who Entitled to Enter.**—Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory shall acquire any right under the homestead law. And every person owning and residing on land may, under the provision of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

**§ 2290. Person Applying to Make Affidavit.**—That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and upon filing such affidavit with the register or receiver on payment of \$5, when the entry is of not more than eighty acres, and on payment of \$10, when the entry is for more than

eighty acres, he or she shall thereupon be permitted to enter the amount of land specified.

**§ 2291. Final Proof—Leave of Absence—Death of Entryman—Cultivation—Entryman may Elect to Make Proof upon His Entry Under Law Under Which Same was Made.**—No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit, and makes affidavit that no proof of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the government of the United States, then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: Provided, That upon filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office, but in case of commutation the fourteen months' actual residence as now required by law must be shown, and the person commuting must be at the time a citizen of the United States: Provided, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land: Provided further, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged homestead law double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: Provided, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: Provided, That the Secretary of the Interior shall, within sixty days after the passage

of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within one hundred and twenty days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act.

**§ 2292. Sale of Land for Benefit of Orphan Infant Children.**—In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

**§ 2293. Affidavit by Soldier or Sailor.**—In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

**§ 2294. Proofs, Before Whom Taken—Fees.**—That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, pre-emption, timber culture, desert land, and timber and stone acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: Provided, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands

applied for are located; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

"For each affidavit, twenty-five cents.

"For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

"For each deposition of claimant or witness, prepared by the officer, one dollar.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one hundred dollars."

**§ 2296. Lands not Liable for Debt.**—No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

**§ 2297. Abandonment—Extension of Time to Commence Residence.** If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the government: Provided, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: And provided further, That where there may be climatic reasons, sickness, or other unavoidable cause the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.

**§ 2298. Quarter-section Limit.**—No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

**§ 2299. Existing Pre-emption Rights.**—Nothing contained in this chapter shall be so construed as to impair or interfere in any manner

with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the 20th day of May, 1862, shall be entitled to all the privileges of this chapter.

§ 2300. **Age Limit Removed from Certain Soldiers and Sailors.**—No person who has served, or may hereafter serve, for a period not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

§ 2301. **Commutation.**—Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section 2289, from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months, and the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March 2, 1889, in South Dakota, but shall not relieve said settlers from any payments now required by law.

§ 2302. **Race or Color.**—No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions. . . .

§ 2304. **Soldiers' and Sailors' Homesteads.**—Every private soldier and officer who has served in the army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the government, and every private soldier and officer who has served in the army of the United States during the Spanish War, or who has served, is serving, or shall have served in the said army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the navy of the United States or in the Marine Corps during the Spanish War, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appro-

priated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

**§ 2305. Time Served Deducted—Proof by Widow or Minor Orphan Children.**—The time which the homestead settler has served in the army, navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: Provided, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the army, navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue. . . .

**§ 2307. Benefits, How Devolved on Death of Soldier or Sailor.**—In case of the death of any person who would be entitled to a homestead under the provisions of section 2304, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title. . . .

**§ 2309. Entry by Agent.**—Every soldier, sailor, marine, officer, or other person coming within the provisions of section 2304, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlement and improvements on the same, and thereafter fulfill the requirements of the law.

### **THREE HUNDRED AND TWENTY ACRE LIMITATION.**

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: Provided, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals, constructed by the authority of the United States. (26 Stats. at Large, 391.)

### **MINERAL LANDS EXCLUDED.**

The provisions of "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one and for other purposes," which reads as follows, viz.: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands, and not include lands entered or sought to be entered under mineral land laws. (26 Stats. at Large, 1095.)

### **ADDITIONAL HOMESTEAD ENTRIES.**

Every person entitled, under the provisions of the homestead law, to enter a homestead, who has heretofore complied with or who shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter as personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres: Provided, That in no case shall patent issue for the land covered by such additional entry until the person making

such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise fully complied with such laws: Provided also. That this section shall not be construed as affecting any rights as to location of soldiers' certificates heretofore issued under section 2306 of the Revised Statutes. (25 Stats. at Large, 854.)

#### **LAND LYING CONTIGUOUS TO ORIGINAL ENTRY.**

That any homestead settler who has heretofore entered, or may hereafter enter, less than one quarter-section of land may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: Provided, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: And provided, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled. (33 Stats. at Large, 527.)

#### **COMMUTATION NOT ALLOWED.**

That commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under this act. (33 Stats. at Large, 527.)

#### **PERSON WHO HAS COMMUTED ENTITLED TO BENEFITS OF HOMESTEAD LAWS.**

That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section 2301 of the Revised Statutes of the United States and the amendments thereto, shall be entitled to the benefits of the homestead laws, as though such former entry had not been made, except that commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under this section of this act. (31 Stats. at Large, 267.)

#### **ADDITIONAL ENTRY WHERE PRIOR ENTRY PERFECTED BEFORE MAY 17, 1900.**

That any person who, prior to the passage of an act entitled "An act providing for free homesteads on the public lands for actual and *bona fide* settlers, and reserving the public lands for that purpose," approved May 17, 1900, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of the act before cited had final entry not been made prior to the passage of said act, may make



another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: Provided, That any person desiring to make another entry under this act will be required to make affidavit, to be transmitted with the other filing papers now required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records: And provided further, That said person has all the other proper qualifications of a homestead entryman: And provided also, That commutation under section 2301 of the Revised Statutes or any amendment thereto, or any similar statute, shall not be permitted of an entry made under this act, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years. (32 Stats. at Large, 2037.)

### **SECOND HOMESTEAD ENTRIES.**

Any person who, prior to the approval of this act, has made entry under the homestead or desert land laws, but who, subsequently to such entry, from any cause shall have lost, forfeited, or abandoned the same, shall be entitled to the benefits of the homestead or desert land laws as though such former entry had not been made, and any person applying for a second homestead or desert land entry under this act shall furnish a description and the date of his former entry: Provided, That the provisions of this act shall not apply to any person whose former entry was canceled for fraud, or who relinquished his former entry for a valuable consideration in excess of the filing fees paid by him on his original entry. (36 Stats. at Large, 896.)

### **RIGHTS OF SETTLERS.**

Any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the pre-emption laws. (21 Stats. at Large, 140.)

### **COMMUTATIONS.**

All commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement. (29 Stats. at Large, 197.)

**HOMESTEAD ENTRY BY MARRIED WOMAN.**

Where an unmarried woman who has heretofore settled, or who may hereafter settle, upon a tract of public land, improved, established, and maintained a *bona fide* residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall hereafter marry, before making entry of said land or before making application to enter said land, she shall not, on account of her marriage, forfeit her right to make entry and receive patent for the land: Provided, That she does not abandon her residence on said land, and is otherwise qualified to make a homestead entry: Provided, further, That the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the homestead law. This act shall be applicable to all unpatented lands claimed by such entrywoman at the date of passage. (31 Stats. at Large, 683.)

**SETTLERS WHO BECOME INSANE.**

In all cases in which parties who regularly initiated claims to public lands as settlers thereon, according to the provisions of the pre-emption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirements in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties. (21 Stats. at Large, 166.)

**LEAVES OF ABSENCE.**

That whenever it shall be made to appear to the register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable, by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such register and receiver may grant to such a settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: Provided, That the time of such actual absence shall not be deducted from the actual residence required by law. (25 Stats. at Large, 854.)

**FINAL PROOF NOTICE.**

Before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption or homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice, that such application has been made, once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

**Accident or Unavoidable Delays.**—That the "act to provide additional regulations for homestead and pre-emption entries of public land," approved March 3, 1879, shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made, in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified. (25 Stats. at Large, 472.)

**Penalties for Destroying Corner Monuments.**—Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a government survey, or shall willfully deface, change, or remove any monument or bench mark of any government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months or both. (U. S. Crim. Code, c. 4, § 57.)

**Relinquishments.**—When a pre-emption, homestead, or timber culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office. (21 Stats. at Large, 140.)

**Enlarged Homesteads.**—Any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Arizona, California, Colorado, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming, three hundred and twenty acres or less, of nonmineral, nonirrigable, unreserved and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over one and one-

half miles in extreme length: Provided, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply. (35 Stats. at Large, 639; 37 Stats. at Large, 132.)

§ 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section 2290 of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section 1 of this act, and shall pay the fees now required to be paid under the homestead laws. (35 Stats. at Large, 639.)

§ 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed three hundred and twenty acres. (Act of Feb. 11, 1913.)

§ 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: Provided, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: Provided, further, That nothing herein contained shall be so construed as to require residence upon the

combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes. (Act of Feb. 11, 1913.)

§ 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section 1 of this act under the provisions of section 2289 of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted. (35 Stats. at Large, 639.)

§ 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this act without the necessity of residence: Provided, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section. (35 Stats. at Large, 639.)

**Settlement Rights Under Enlarged Homestead Acts.**—Any settler upon lands designated by the Secretary of the Interior as subject to the provisions of sections 1 to 5 of the enlarged homestead acts of February 19th, 1909 (Thirty-fifth Statutes, 639), and June 17th, 1910 (Thirty-sixth Statutes, 531), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: And provided further, That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead acts of February 19, 1909, and June 17, 1910, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry, but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder. (37 Stats. at Large, 267.)

**Settlement Prior to Three Year Homestead Law.**—That any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands (which were subject to homestead entry) prior to the passage and approval of the act of June 6th,

1912, entitled, "An act to amend section 2291 and section 2297 of the Revised Statutes relating to homesteads," may perfect his proof for such lands under said act of June 6, 1912, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary. (Act of March 4, 1913.)

## ACTS RELATING TO TIMBER AND STONE ENTRIES.

**Public Lands Unfit for Cultivation may be Sold.**—Surveyed public lands of the United States within the public land States not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale, according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: Provided, that nothing herein contained shall defeat or impair any *bona fide* claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any *bona fide* settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States, donating lands for internal improvements, education, or other purposes: And provided further, That none of the rights conferred by the act approved July 26, 1866, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act. (20 Stats. at Large, 89.)

§ 2. **Statement.**—That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belonged to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the

title which he might acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of *bona fide* purchasers shall be null and void. (20 Stats. at Large, 89.)

**§ 3. Notice of Application—Patent—Objection.**—That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land, by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May 10, 1872, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: Provided, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

**Lands Chiefly Valuable for Building Stone.**—Any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims: Provided, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act. (27 Stats. at Large, 348.)

**Military Bounty Land Warrants Receivable in Payment for Any Lands Entered Under the Desert Land Law, the Timber Culture Law, and the Timber and Stone Law.**—In addition to the benefits now given thereto by law, all unsatisfied military bounty land warrants under any

act of Congress, and unsatisfied indemnity certificates of location under the act of Congress approved June 2, 1858, whether heretofore or hereafter issued, shall be receivable at the rate of one dollar and twenty-five cents per acre in payment or part payment for any lands entered under the desert land law of March 3, 188[70]7, entitled "An act to provide for the sale of desert lands in certain States and Territories," and the amendments thereto, the timber culture act of March 3, 1873, entitled "An act to encourage the growth of timber on the Western prairies," and the amendments thereto; the timber and stone law of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nebraska, and Washington Territory," and the amendments thereto, or for lands which may be sold at public auction, except such lands as shall have been purchased from any Indian tribe within ten years last past. (27 Stats. at Large, 348.)

**Distinction Between Offered and Unoffered Lands Abolished.**—In cases arising from and after the passage of this act the distinction now obtaining in the statutes between offered and unoffered lands shall no longer be made in passing upon subsisting pre-emption claims, in disposing of the public lands under the homestead laws, and under the timber and stone law of June 3, 1878, as extended by the act of August 4, 1892, but in all such cases hereafter arising the land in question shall be treated as unoffered, without regard to whether it may have actually been at some time offered or not. (30 Stats. at Large, 418.)

### APPLICATION AND SWORN STATEMENT.

[To be made in duplicate.]

United States Land Office,

I, ....., hereby make application to purchase the ..... quarter of section ....., in township ..... and range ..... in the State of ....., and the timber thereon, at such value as may be fixed by appraisement, made under the authority of the Secretary of the Interior, under the act of June 3, 1878, commonly known as the "Timber and stone law," and acts amendatory thereof, and in support of this application, I solemnly swear: That I am a native (or naturalized) citizen of the United States (or have declared my intention to become a citizen); that I am ..... years of age and by occupation .....; that I did on ....., 19..., examine said land, and from my personal knowledge state that said land is unfit for cultivation and is valuable chiefly for its timber, and that to my best knowledge and belief, based upon said examination, the land is worth ..... dollars, and the timber thereon, which I estimate to be ..... feet, board measure, is worth ..... dollars, making a total value for the land and timber of ..... dollars and no more; that the land is uninhabited; that it contains no mining or other improvements, nor, as I verily believe, any valuable deposit of gold, silver, cinnabar, copper or coal, or other min-



erals, salt springs or deposits of salt; that I have made no other application under said acts; that I do not apply to purchase the land above described on speculation, but in good faith to appropriate it to my own exclusive use and benefit; that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title I may acquire from the government of the United States may inure in whole or in part to the benefit of any person except myself; that since August 30, 1890, I have not entered and acquired title to, nor am I now claiming, under an entry made under any of the nonmineral public land laws, an amount of land which, together with the land now applied for, will exceed in the aggregate 320 acres; that I am not a member of any association, or a stockholder in any corporation which has filed an application and sworn statement under said act; and that my postoffice address is . . . . ., at which place any notice affecting my rights under this application may be sent. I request that notice be furnished me for publication in the . . . . . newspaper, published at . . . . .

.....  
(Sign here with full Christian name.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known, or has been satisfactorily identified before me by . . . . . (give full name and postoffice address); that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described, and that said affidavit was duly subscribed and sworn to before me, at my office in . . . . (town), . . . . (county and State), within the . . . . land district this . . . . day of . . . . ., 19...

.....  
(Official designation of officer.)

In case the applicant has been naturalized or has declared his intention to become a citizen, a certified copy of his certificate of naturalization or declaration of intention, as the case may be, must be furnished.

If the residence is in a city, the street and number must be given.

The newspaper designated must be one of general circulation, published nearest the land.

### DESIGNATION OF APPRAISER.

.....

.....,

Sir: You are designated to appraise the . . . . . quarter of section . . . . ., township . . . . ., . . . . ., and range . . . . ., . . . . ., which embraces a total of . . . . . acres. This land has been applied for by . . . . ., of . . . . ., under the timber and stone law. If you accept this designation, it will be your duty to personally visit and carefully examine each and every legal subdivision of the land, and the timber thereon, and to make a return through this office of the

approximate quantity, quality, and the stumpage cash value of the various kinds of timber, the cash value of the land, and the total value of the land and timber. The total appraisement of the land and timber, however, must not amount to less than two dollars and fifty cents per acre for each acre appraised. Each legal subdivision must be separately appraised, or your return must show specifically that the appraisement applies to each legal subdivision.

Please inform me as soon as possible, and not later than . . . . ., 19... whether you will be able to do the work, and also advise me the approximate date the appraisal will be completed.

Very respectfully,

.....  
Chief of Field Division, General Land Office.

### **REGULATIONS UNDER TIMBER AND STONE LAW.**

The regulations under the act of June 3, 1878 (20 Stat. 89), and amendatory acts, commonly known as the timber and stone law, are hereby revised, modified, and reissued as follows:

**Provision for Appraisement.**—Any lands subject to sale under the foregoing acts, may, under the direction of the Commissioner of the General Land Office, upon application or otherwise, be appraised by smallest legal subdivisions, at their reasonable value, but at not less than \$2.50 per acre; and hereafter no sales shall be made under said acts except as provided in these regulations.

**Character of Lands Subject to Entry.**—All unreserved, unappropriated, nonmineral, surveyed, public lands within the public land States, which are valuable chiefly for the timber or stone thereon and unfit for cultivation at the date of sale, may be sold under this act at their appraised value, but in no case at less than \$2.50 per acre, in contiguous legal subdivisions upon which there is no existing mining claim, or the improvements of any *bona fide* settler claiming under the public land laws. The terms used in this statement may be defined substantially as follows for the purpose of construing and applying this law:

2. Unreserved and unappropriated lands are lands which are not included within any military, Indian, or other reservation, or in a national forest, or in a withdrawal by the government for reclamation or other purposes, or which are not covered or embraced in any entry, location, selection, or filing which withdraws them from the public domain.

3. Unoccupied lands are lands belonging to the United States upon which there are no improvements belonging to any person who has initiated and is properly maintaining a valid mining or other claim to such lands under the public land laws. Abandoned and unused mines, shafts, tunnels, or buildings occupied by mere trespassers not seeking title under any law of the United States, do not prevent timber and stone entries if the land is otherwise capable of being so entered.

4. Nonmineral lands are such lands as are not known to contain any substance recognized and classed by standard authorities as mineral, in such quantities and of such qualities as would, with reasonable prospects of success in developing a paying mine thereon, induce a person of ordinary prudence to expend the time and money necessary to such development.

5. Timber is defined as trees of such kind and quantity, regardless of size, as may be used in constructing buildings, irrigation works, railroads, telegraph and telephone lines, tramways, canals, or fences, or in timbering shafts and tunnels or in manufacturing, but does not include trees suitable for fuel only.

6. Lands valuable chiefly for timber, but unfit for cultivation, are lands which are more valuable for timber than they are for cultivation in the condition in which they exist at the date of the application to purchase, and therefore include lands which could be made more valuable for cultivation by cutting and clearing them of timber. The relative values for timber or cultivation must be determined from conditions of the land existing at the date of the application to purchase.

7. Lands in all public land States may be entered, but timber and stone entries cannot be made in the Territories or in the District of Alaska.

8. **Entries may be Made by Any Person, Association or Corporation.**—One timber and stone entry may be made for not more than 160 acres (a) by any person who is a citizen of the United States, or who has declared his intention to become such citizen, if he is not under twenty-one years of age, and has not already exhausted his right by reason of a former application for an entry of that kind; or has not already acquired title to or is not claiming under the homestead or desert land laws through settlement or entry made since August 30, 1890, any other lands which, with the land he applies for, would aggregate more than 320 acres; or (b) by an association of such persons, or (c) by a corporation, each of whose stockholders is so qualified.

9. A married woman may make entry if the laws of the State in which she applies permit married women to purchase and hold for themselves real estate, but she must make the entry for her own benefit, and not in the interest of her husband or any other person, and she will be required to show that the money she pays for the land was not furnished by her husband.

10. **Method of Obtaining Title.**—Any qualified person may obtain title under the timber and stone law by performing the following acts: (a) Personally examining the land desired; (b) presenting an application and sworn statement, accompanied by a filing of \$10; (c) depositing with the receiver the appraised price of the land; (d) publishing notice of his application and proof; (e) making final proof.

11. Examination of the land must be made by the applicant in person not more than thirty days before the date of his application, in order that he may knowingly swear to its character and condition.

**12. Application and Sworn Statement—Deposit.**—The application and sworn statement must contain the applicant's estimate of the timber, based on examination, and his valuation of the land and the timber thereon, by separate items. It must be executed in duplicate, after having been read to or by the applicant, in the presence of the officer administering the oath, and sworn to by him before such officer, who may be either the register or the receiver of the land district in which the land is located, a United States commissioner, a judge or a clerk of a court of record in the county or parish in which the land is situated, or one of these officers outside of that county or parish if he is nearer and more accessible to the land than any other qualified officer, and has his office or place of business within the land district in which the land is located. Each applicant must at the time he presents his application and sworn statement, deposit with the receiver, either in cash or in postoffice money orders payable to the receiver, a filing fee of \$10.

**13. Applications by Associations or Corporations.**—Applications by associations or corporations must, in addition to the facts recited in the foregoing statement, show that each person forming the association or holding stock in the corporation is qualified to make entry in his own right and that he is not a member of any other association or a stockholder in any other corporation which has filed an application or sworn statement for other lands under the timber and stone laws.

**14. Disposition of Application.**—After application and deposit have been filed in proper form, as required by these regulations, the register and receiver will at once forward one copy of the application to the chief of field division having jurisdiction of the land described, who, if he finds legal objection to the allowance of the application, will return it to them with report thereon. The register and receiver will, if they concur in an adverse recommendation of the chief of field division, dismiss or deny the application, subject to the applicant's right of appeal; but if they disagree with his recommendation, they will forward the record to the Commissioner of the General Land Office, with their report and opinion thereon, for such action as he may deem advisable.

**Lands to be Appraised.**—If the chief of field division finds no such legal objection to the application, he shall cause the lands applied for to be appraised by an officer or employee of the government.

**15. Appraisement—Method.**—The officer or employee designated to make the appraisement must personally visit the lands to be appraised, and thoroughly examine every legal subdivision thereof, and the timber thereon, and appraise separately the several kinds of timber at their stumpage value, and the land independent of the timber at its value at the time of appraisement, but the total appraisement of both land and timber must not be less than \$2.50 per acre. He must, in making his report, consider the quantity, quality, accessibility, and any other elements of the value of the land and the timber thereon. The appraisement must be made by smallest legal subdivisions, or the re-

port must show that the valuation of the land and the estimate of the timber apply to each and every subdivision appraised.

**16. Appraisalment—Manner of Return—Approval.**—The completed appraisalment must be mailed or delivered personally to the chief of field division under whose supervision it was made, and not to the applicant. Each appraisalment upon which an entry is to be allowed must be approved respectively or conjointly as provided in these regulations, by the chief of field division under whose supervision it was made, by the register and receiver who allow the entry, or by the Commissioner of the General Land Office.

**17. Appraisalment—Disagreement Between Appraising and Approving Officers—How Determined.**—The chief of field division will return to the appraiser, with his objections, an appraisalment which he deems materially low or high, and the appraiser shall, within twenty days from the receipt thereof, resubmit the papers, with such modifications or explanations as he may deem advisable or proper, upon receipt of which the chief of field division will either approve the schedule as then submitted, or forward the papers to the register and receiver, with his memorandum of objection. The register and receiver will thereupon consider the case. If they approve the appraisalment, they will sign the certificate appended thereto, and advise the chief of field division thereof. If the register and receiver approve the objection of the chief of field division, they will so indicate, and if the appraising officer is an employee of the Interior Department, under the subdivision of the chief of field division, they will return the papers to the chief of field division, who will thereupon order a new appraisalment by a different officer. If, however, the register and receiver approve the objection of the chief of field division, when the appraiser is an officer of another bureau of this department, or of another department, they will forward the record of the case to the Commissioner of the General Land Office, who will then determine the controversy.

**18. Appraisalment—Notation and Effect Thereof.**—When the appraisalment is completed, the register and receiver will note the price on their records, and thereafter the land will be sold at such price only, under the provisions of the timber and stone acts, unless the land shall have been reappraised in the manner provided herein.

**19. Failure to Appraise—Rights of Applicant—How Terminated.**—Unless the land department, as hereinbefore provided, or otherwise, as directed by the Secretary of the Interior, shall appraise any lands applied for under these regulations within nine months from the date of such application, the applicant may, without notice, within thirty days thereafter, deposit the amount, not less than \$2.50 per acre, specified in his application as the reasonable value of the land and the timber thereon, with the receiver, if appraisalment has not been filed prior to such deposit, and thereupon will be allowed to proceed with his application to purchase as though the appraisalment had been regularly made. The failure of the applicant to make the required

deposit within thirty days after the expiration of the nine months' appraisement period will terminate his rights without notice.

**20. Notice of Appraisement—Payment or Protest.**—The register and receiver, after noting the appraised price on their records, will immediately inform the applicant that he must, within thirty days from service of notice, deposit with the receiver, either in lawful money or in postoffice money orders payable to the receiver, or as provided in section 36 hereof, the appraised price of the land and the timber thereon, or within the time allowed for payment file his protest against the appraisement, deposit with the receiver a sum sufficient to defray the expenses of a reappraisement (which sum, not less than \$100, must be fixed by the register and receiver and specified in the notice to the applicant) together with his application for reappraisement at his own expense.

Notice should be given by registered letter and the envelope should be marked for return if not delivered within thirty days. If notice be returned after being held in the postoffice for thirty days, such proceedings will constitute constructive notice for thirty days.

**21. Objection to Appraisement—Application for Reappraisement.**—Any applicant filing his protest against an appraisement, and his application for reappraisement, must support it by his affidavit, corroborated by two competent, credible, and disinterested persons, in which he must set forth specifically his objections to the appraisement. He must indicate his consent that the amount deposited by him for the reappraisement, or such part thereof as is necessary, may be expended therefor, without any claim on his part for a refund or return of the money thus expended.

**22. Reappraisement.**—Upon the receipt of a protest against appraisement and application for reappraisement conforming to the regulations herein, the register and receiver will transmit such protest and application to the chief of field division, who will cause the reappraisement to be made by some officer other than the one making the original appraisement. The procedure provided herein for appraisement will be followed for reappraisement, except the latter, if differing from the former, must, to give it effect, be approved both by the chief of field division and the register and receiver, or, in case of disagreement between them, by the Commissioner of the General Land Office.

**23. Notice of Appraisement.**—When a reappraisement is finally effected, the register and receiver will note the reappraised price on their records, and at once notify the applicant that he must, within thirty days from the date of notice, deposit with the receiver the amount fixed by such reappraisement for the sale of the land, or thereafter, and without notice, forfeit all rights under his application.

**24. Cost of Making Reappraisement.**—The officer or employee of the United States making the reappraisement shall be paid from the amount deposited with the receiver by the applicant therefor, the salary, per diem, and other expenses to which he would have been entitled

from the government, in the case of an original appraisement, for his services for the time he was engaged in making and returning the reappraisement. The receiver will, out of the money deposited by the applicant, pay such compensation including reasonable expenses for subsistence, transportation, and necessary assistants; and the officer will deduct from his expense account with the government the amount which he has received from the receiver for such services. The receiver will return to the applicant the amount, if any, remaining on deposit with him after paying the expenses of said reappraisement.

**25. Final Proof.**—After the appraisement or reappraisement and deposit of purchase money and fee have been made the register will fix a time and place for the offering of final proof, and name the officer before whom it shall be offered and post a notice thereof in the land office and deliver a copy of the notice to the applicant, to be by him and at his expense published in the newspaper of accredited standing and general circulation published nearest the land applied for. This notice must be continuously published in the paper for sixty days prior to the date named therein as the day upon which final proof must be offered.

**26. Time, Place, and Method of Making Final Proof.**—Final proof should be made at the time and place mentioned in the notice, and, as a part thereof, evidence of publication, as required by the previous paragraph, should also be filed. If final proof is not made on that day or within ten days thereafter, the applicant may lose his right to complete entry of the land. Upon satisfactory showing, however, explaining the cause of his failure to make the proof as above required, and in the absence of adverse claim, the Commissioner of the General Land Office may authorize him to readvertise and complete entry under his previous application.

**27. Final Entry.**—After an appraisement or reappraisement has been approved, the payments made, and satisfactory proof submitted in any case as required by these regulations, the register and receiver will, if no protest or contest is pending, allow a final entry.

#### GENERAL PROVISIONS.

**28. Contests and Protests.**—Protest may be filed at any time before an entry is allowed, and contest may be filed at any time before patent issues, by any person who will furnish the register and receiver with a corroborated affidavit alleging facts sufficient to cause the cancellation of the entry, and will pay the cost of contest.

**29. False Swearing—Forfeiture.**—If an applicant swear falsely in his application or sworn statement, he will be liable to indictment and punishment for perjury; and if he be guilty of false swearing or attempted fraud in connection with his efforts to obtain title, or if he fail to perform any act or make any payment or proof in the manner and within the time specified in the foregoing regulations, his application and entry will be disallowed and all moneys paid by him will be for-

feited to the Government, and his rights under the timber and stone acts will be exhausted

**30. Effect of Application to Purchase.**—After an application has been presented hereunder no other person will be permitted to file on the land embraced therein under any public land law until such application shall have been finally disposed of adverse to the applicant.

31. Lands appraised or reappraised hereunder, but not sold, may, upon the final disallowance of the application, be entered by any qualified person, under the provisions of the timber and stone laws, at its appraised or reappraised value, if subject thereto.

32. Lands applied for but not appraised and not entered under these regulations may, when the rights of the applicant are finally terminated, be disposed of as though such application had not been filed.

33. Any lands which have not been reappraised may be reappraised upon the request of an applicant therefor under these regulations who complies with the requirements of section 21 hereof.

34. An applicant securing a reappraisement under these Regulations shall acquire thereby no right or privilege except that of purchasing the lands at their reappraised value, if he is qualified, and if the lands are subject to sale under his application; and he must otherwise comply with these Regulations, but shall not, in any event, be entitled to the return of any money deposited by him and expended in such reappraisement.

35. The Commissioner of the General Land Office may at any time direct the reappraisement of any tract or tracts of public lands, when, in his opinion, the conditions warrant such action.

36. Unsatisfied military bounty land warrants under any act of Congress and unsatisfied indemnity certificates of location under the act of Congress approved June 2, 1858, properly assigned to the applicant, shall be receivable as cash in payment or part payment for lands purchased hereunder at the rate of \$1.25 per acre.

37. Any application to purchase timber and stone lands filed before January 1, 1909, which does not conform to these regulations shall be suspended, and the register and receiver should at once notify the applicant that he may, if he so elect, file a new application conformable to these regulations within thirty days from the date of the notice, and that failure to file such new application within the time specified will work a forfeiture of all rights under his suspended application, which will thereupon stand rejected without further notice.

**38. Regulations, When Effective.**—These regulations shall be effective on and after December 1, 1908, but all applications to purchase legally pending on November 30, 1908, may be completed by compliance with the regulations in force at the time such applications were filed.

39. The forms mentioned herein and included in the appendix hereto shall be a part of these regulations.

**40. Entry of Stone Lands.**—The foregoing regulations apply to entries of lands chiefly valuable for stone, and the forms herein prescribed



can be modified in such manner as may be necessary to the making of entries of stone lands.

**41. Former Regulations Revoked.**—All former regulations, decisions, and practices in conflict with these regulations are hereby revoked.

### APPRAISAL, TIMBER AND STONE LANDS.

Lot or quarter-quarter.	Kind of timber.	Quality of timber.	Board feet per tract.	Stumpage value per M.	Character of soil.	Value of land exclusive of timber.	Total value of land and timber per acre.	Value of land and timber per tract.

#### Logging:

Timber must be logged by ..... (wagon haul, flume, river driving, or railroad).

Distance logs or lumber are to be transported to market, ..... miles. Approximate cost per M for transportation of logs or lumber to market, ..... dollars. Accessible? ..... (yes or no). Manufacturing possible on the ground? ..... (yes or no). Will there be improvement in logging facilities in the vicinity? ..... (yes or no). Will the demand for timber products be likely to increase in the neighborhood in the near future? ..... (yes or no). Nearest available quotations on stumpage for the species estimated .....

....., 19...

#### STATEMENT BY APPRAISER.

I have carefully examined each and every legal subdivision of the ..... quarter of section ....., township ....., range ....., and the timber thereon, and the estimates included in the above table and the foregoing statement were based on personal examination. I did not find any indication that the land or any part thereof contains any valuable mineral or coal deposits, and found no improvements or other evidence that any claim is being asserted under any of the public land laws. I recommend that the application to purchase receive favorable action.

.....,

Appraiser.

#### ACTION ON APPRAISEMENT.

I have carefully examined the within appraisal and find no reason to believe that it is improperly made.

It is therefore, accordingly, approved.

.....,

Chief of Field Division.

**NOTICE TO APPLICANT OF APPRAISEMENT.**

United States Land Office.

.....  
 .....  
 Sir: You are informed that the land, and the timber thereon, embraced in your timber and stone application No. ...., filed ..... 19.., have been appraised in the total sum of ..... dollars.

You are therefore notified that your application for said lands will be dismissed without further notice, if you do not, within thirty days from service of this notice, deposit the appraised price of the land with the receiver of this office, or file your written protest against such appraisement, setting forth clearly and specifically your objection thereto, which protest must be sworn to by you, and corroborated by two competent, credible, and disinterested persons. The protest, if filed, must be accompanied by your application requesting that the land be appraised at your expense, and you must deposit with the receiver the sum of ..... dollars, to be expended therefor, and you must indicate your consent that the amount so deposited may be expended for the reappraisement, without any claim on your part that any portion thereof, so expended, shall be returned or refunded to you.

If a reappraisement is made under your application, you will secure no right or privilege, except that of purchasing the lands at their reappraised value, if they are subject to sale and you are properly qualified.

Very respectfully,

.....  
Register......  
Receiver.**REAPPRAISEMENT.**

Form C may be modified so as to show that the action taken is a reappraisement instead of an original appraisement. The return of the appraising officer and indorsements by the chief of field division and the register and receiver must show that the action taken is a reappraisement, and it must be approved conjointly by the chief of field division and the register and receiver.

**NOTICE OF REAPPRAISEMENT.**

United States Land Office.

Sir: You are advised that, pursuant to your application, the ..... quarter of section ....., township ....., and range ..... and the timber thereon, embraced in your timber and stone sworn statement. No ....., have been reappraised, and the price fixed at ..... dollars, which amount you must deposit with the receiver of this office within

thirty days from service of notice hereof, or your application will be finally disallowed without further notice.

Very respectfully,

.....,  
Register.  
.....,  
Receiver.

### **NOTICE OF APPLICATION TO PURCHASE UNDER TIMBER AND STONE LAWS.**

United States Land Office,  
....., 19...

Notice is hereby given that ....., whose postoffice address is ....., did on the .... day of ....., 19.., file in this office his sworn statement and application No. .... to purchase the ..... quarter of section ....., township ....., range ....., ..... M., and the timber thereon, under the provisions of the act of June 3, 1878, and acts amendatory, known as the "Timber and stone law," at such value as might be fixed by appraisement, and that, pursuant to such application, the land and timber thereon have been appraised, the timber estimated ..... board feet, at \$..... per M, and the land \$....., or combined value of the land and timber at \$.....; that said applicant will offer final proof in support of his application and sworn statement on the .... day of ....., 19.., before ....., at ....., Any person is at liberty to protest this purchase before entry, or initiate a contest at any time before patent issues, by filing a corroborated affidavit in this office, alleging facts which would defeat the entry.

.....,  
Register.

Where notice is issued under section 19. the register will modify the blank so as to show the valuation placed on the land and the timber thereon was that made by the applicant when he filed his sworn statement, instead of being fixed by appraisement.

### **TIMBER OR STONE ENTRY.**

#### **DEPARTMENT OF THE INTERIOR.**

U. S. Land Office, ....., No. ....,  
Receipt No. ....

#### **FINAL PROOF.**

I hereby solemnly swear that I am the identical ....., who presented sworn statement and application, No. ...., for ....., section ....., township ....., range ....., ..... meridian; that the land is valuable chiefly for its timber, and is, in its present condition, unfit for cultivation; that it is unoccupied and without improve-

.....

ments of any character, except for ditch or canal purposes, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, coal, salines, or salt springs.

.....,  
(Sign here, with full Christian name.)

.....  
(Postoffice address.)

I hereby certify that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or has been satisfactorily identified before me by .....); that I verily believe affiant to be a qualified appli-  
(Give full name and postoffice address.)

cant and the identical person hereinbefore described, and that said affidavit was duly subscribed and sworn to before me, at my office, in ....., within the ..... land district, this .... day of (Town.) (County and State.)  
....., 19..

.....  
(Official designation of officer.)

[To be used only when sale is made under section 19 of the regulations approved November 30, 1908, and in sales under applications pending November 30, 1908.]

## DEPARTMENT OF THE INTERIOR.

### TIMBER OR STONE ENTRY.

U. S. Land Office, .....

### TESTIMONY OF CLAIMANT.

I, ..... (give full Christian name), being duly called as a witness in support of my application to purchase the ....., section ....., township ....., range ....., ..... meridian, testify as follows:

Question 1. What is your age, occupation, postoffice address, and where do you live?

Answer. ....

Question 2. Are you a native-born citizen of the United States; and, if so, in what State or Territory were you born? Are you married or single?

Answer. ....

Question 3. Are you the identical person who applied to purchase this land on the .... day of ....., 19.., and made the sworn statement required by law upon that day?

Answer. ....

Question 4. Have you made a personal examination of each smallest legal subdivision of the land applied for?

Answer. ....

Question 5. When, under what circumstances, and with whom was such examination made?

Answer. ....

Question 6. How did you identify said land? Describe it fully.

Answer. ....

Question 7. Is the land occupied, or are there any improvements on it? If so, describe them and state whether they belong to you.

Answer. ....

Question 8. Is the land fit for cultivation, or would it be fit for cultivation if the timber were removed?

Answer. ....

Question 9. What is the situation of this land, what is the nature of the soil, and what causes render the same unfit for cultivation?

Answer. ....

Question 10. Are there any salines or indications of deposits of gold, silver, cinnabar, copper, coal, or other minerals on this land? If so, state what they are.

Answer. ....

Question 11. Is the land valuable for mineral, or more valuable for any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone? (Answer each question.)

Answer. ....

Question 12. From what facts do you conclude that the land is chiefly valuable for timber and stone?

Answer. ....

Question 13. How many thousand feet, board measure, of lumber do you estimate that there is on this entire tract? What is the stumpage value of same?

Answer. ....

Question 14. Are you a practical lumberman or woodsman? If not, how do you arrive at your estimate of the quantity and value of lumber on the tract?

Answer. ....

Question 15. What do you expect to do with this land and the timber when you get title to it?

Answer. ....

Question 16. Do you know of any capitalist or company which has offered to purchase timber land in the vicinity of this entry? If so, who are they, and how do you know of them?

Answer. ....

Question 17. Has any person offered to purchase this land if you acquire title? If so, who, and for what amount?

Answer. ....

Question 18. Where is the nearest and best market for the timber on this land at the present time?

Answer. ....

Question 19. What has been your occupation during the past year; where and by whom have you been employed, and at what compensation?

Answer. ....

Question 20. How did you first learn about this particular tract of land, and that it would be a good investment to buy it?

Answer. ....

Question 21. Did you pay or agree to pay anything for this information? If so, to whom, and the amount?

Answer. ....

Question 22. Did you pay out of your own individual funds all the expenses in connection with making this filing, and do you expect to pay for the land with your own money?

Answer. ....

Question 23. Where did you get the money with which to pay for this land, and how long have you had same in your actual possession?

Answer. ....

Question 24. Have you kept a bank account during the past six months? If so, where?

Answer. ....

Question 25. Have you sold or transferred your claim to this land since making your sworn statement, or have you directly or indirectly made any agreement or contract, in any way or manner, with any person whomsoever, by which the title which you may acquire from the government of the United States may inure in whole or in part to the benefit of any person except yourself?

Answer. ....

Question 26. Do you make this entry in good faith for the appropriation of the land and the timber thereon exclusively for your own use and not for the use or benefit of any other person?

Answer. ....

Question 27. Has any person other than yourself, or any firm, corporation, or association any interest in the entry you are now making, or in the land or in the timber thereon?

Answer. ....

Question 28. Have you since August 30, 1890, entered and acquired title to, or are you now claiming, under an entry made under any of the nonmineral public land laws, an amount of land which, together with the land now applied for, will exceed in the aggregate 320 acres?

Answer. ....

(Sign here, with full Christian name.)

I hereby certify that the foregoing deposition was read to or by deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known [or has been satisfactorily

identified before me by ..... (give full name and postoffice address)]; that I verily believe deponent to be a qualified claimant and the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me, at my office, in ..... (town), ..... (county and State), within the ..... land district, this .... day of ....., 19...

I further certify that I tested the accuracy of affiant's information and good faith in making the entry, by close and sufficient cross-examination of claimant and the witnesses, and am satisfied from such examination that the entry is made in good faith for entryman's own exclusive use and not for sale or speculation, nor in the interest of, nor for the benefit of, any other person or persons, firm, or corporation.

.....  
 .....  
 (Official designation of officer.)

## DEPARTMENT OF THE INTERIOR.

### TIMBER OR STONE ENTRY.

U. S. Land Office, ....., .....

### TESTIMONY OF WITNESSES.

I, ....., (give full Christian name), being duly called as a witness in support of the application of ....., ..... (give full Christian name), filed at the ..... land office, to purchase the ..... section ....., township ....., range ....., ..... meridian, testify as follows:

Question 1. What is your age, occupation, postoffice address, and where do you live?

Answer. ....

Question 2. By whom were you employed during the last six months?

Answer. ....

Question 3. Are you acquainted with the land above described by a personal examination of each of its smallest legal subdivisions? Describe the tract fully.

Answer. ....

Question 4. When, with whom, and in what manner was such examination made?

Answer. ....

Question 5. Is it occupied or are there any improvements on it not made for ditch or canal purposes, or which were not made by, or do not belong to, the said applicant?

Answer. ....

Question 6. Is it fit for cultivation?

Answer. ....

Question 7. What causes render it unfit for cultivation?

Answer. ....

Question 8. Are there any salines or indications of deposits of gold, silver, cinnabar, copper, coal, or other minerals on this land? If so, state what they are.

Answer. ....

Question 9. Is the land valuable for mineral, or more valuable for any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone? (Answer each question.)

Answer. ....

Question 10. From what facts do you conclude that the land is chiefly valuable for timber or stone?

Answer. ....

Question 11. How long have you known the applicant?

Answer. ....

Question 12. What is his financial condition so far as you know?

Answer. ....

Question 13. Do you know of your own knowledge that applicant has sufficient money of his own to pay for this land and hold it six months without mortgaging it?

Answer. ....

Question 14. Do you know whether the applicant has, directly or indirectly, made any agreement or contract, in any way or manner, with any person whomsoever by which the title he may acquire from the government of the United States may inure in whole or in part to the benefit of any person except himself?

Answer. ....

Question 15. Are you in any way interested in this application or in the land above described, or the timber or stone, salines, mines, or improvements of any description thereon?

Answer. ....

.....  
(Sign here, with full Christian name.)

I hereby certify that the foregoing deposition was read to me by deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known [or has been satisfactorily identified before me by ..... (give full name and postoffice address)]; that I verily believe deponent to be a credible witness and the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me, at my office, in ..... (town).  
..... (county and State), within the ..... land district, this .... day of ....., 19...

.....  
.....  
(Official designation of officer.)



## REGULATIONS GOVERNING ENTRIES AND PROOFS UNDER THE DESERT-LAND LAWS.

**Laws Governing Desert-land Entries.**—1. The laws, or portions of laws governing the making of desert-land entries, assignments thereof, and the proofs required, will be found printed in full herein, and are as follows: Act of March 3, 1877; March 3, 1891; August 30, 1891; June 27, 1906; March 26, 1908; March 28, 1908; March 4, 1904, amending section 2294, Revised Statutes of the United States; June 22, 1910; March 3, 1909; June 25, 1910; February 3, 1911.

**States and Territories in Which Desert-land Entries may be Made.**—2. The act of March 3, 1877, provided for the making of desert-land entries in the States and Territories of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Arizona, and New Mexico. The act of March 3, 1891, extended the provisions of the desert-land laws to Colorado.

**Lands That may be Entered as Desert Land.**—3. Lands which, by reason of a lack of rainfall, or of sufficient dampness in the soil, will not produce native grasses sufficient in quantity, if unfed by grazing animals, to make an ordinary crop of hay in usual seasons, nor produce an agricultural crop of any kind in amount to make the cultivation thereof reasonably remunerative, and do not contain sufficient moisture to produce a natural growth of trees may be classed as desert in character and, if surveyed and unappropriated, may be entered under the desert-land law.

**Unusual Rainfall.**—Lands situated within a notoriously arid or desert region, and themselves previously desert within the meaning of the desert-land law, do not necessarily lose their character as desert lands merely because on account of unusual rainfall for a few successive seasons their productiveness was increased and larger crops were raised thereon; and, under such circumstances, a strong preponderance of evidence will be required to take them out of the class of desert lands. The final proof, however, of one who makes desert entry of such lands will be closely scrutinized as to the sufficiency of his water supply and the adequacy of his ditches and laterals.

**Lands Which Border upon Bodies of Water.**—While lands which border upon streams, lakes, and other bodies of water, or through or upon which there is any stream, body of water, or living spring, may not produce agricultural crops without irrigation, such lands are not subject to entry under the desert-land laws until the clearest proof of their desert character is furnished.

**Who may Make a Desert-land Entry.**—4. Any citizen of the United States, twenty-one years of age, or any person of that age who has declared his intention of becoming a citizen of the United States, and who can make the affidavit specified in paragraphs 8 and 9 of these regulations, can make a desert-land entry. Thus, a woman,

whether married or single, who possesses the necessary qualifications, can make a desert-land entry, and, if married, without taking into consideration any entries her husband may have made.

**Entrymen of Alien Birth.**—At the time of making final proof, however, entrymen of alien birth must have been admitted to full citizenship, which must be shown by a duly certified copy of the certificate of naturalization.

**Quantity of Land That may be Entered.**—5. Under the act of March 3, 1877, desert-land entries to the maximum of 640 acres were allowed, but by the act of March 3, 1891, the area that may be embraced in a desert entry was reduced to 320 acres as the maximum. This limitation must, however, be read in connection with the act of August 30, 1890, which limits to 320 acres, in the aggregate, the amount of land to which title may be acquired under all the public land laws, except the mineral laws. Hence, a person having initiated a claim under the homestead, timber and stone, pre-emption, or other agricultural land laws, or under all such laws, since August 30, 1890, say, to 160 acres in the aggregate, and acquired title to the land so claimed, or who is claiming such an area under subsisting entries at the date of his desert-land application, if otherwise qualified, may enter 160 acres of land under the desert-land laws. In other words, he may make a desert-land entry for such a quantity of land as, taken together with land acquired by him under the agricultural land laws, since August 30, 1890, and claimed by him under such laws, does not exceed 320 acres in the aggregate. It is to be noted, also, that the act of June 22, 1910, provides that desert-land entries made for lands withdrawn or classified as coal lands, or valuable for coal, shall not exceed 160 acres in area.

**Right of Entry Exhausted How.**—A person's right of entry under the desert-land law is exhausted either by making an entry or by taking an assignment of an entry, in whole or in part, whether the maximum quantity of land, or less, is entered or received by assignment; except, however, that under the act of March 26, 1908, if a person, prior to the passage of that act, has made an entry and has abandoned, lost, or forfeited the same, or has relinquished without receiving a valuable consideration therefor, such person may make a second entry. In such cases, however, it must be shown when the former entry was abandoned, lost, or forfeited, that it was not assigned, in whole or in part, canceled for fraud, or relinquished for a valuable consideration, and it must be so described by section, township, and range, or by date and number, as to be readily identified on the records of the General Land Office. The showing required must be by affidavit of applicant wherein the facts upon which is based his claim of right to make a second desert-land entry are set forth fully and in detail. This affidavit must be corroborated, as far as possible, by the affidavit of one or more persons having personal knowledge of the facts stated by applicant. Registers and receivers are authorized to allow a second desert-land entry in any case wherein it is shown that applicant is entitled to make such entry under the provisions of said act of March

26, 1908. Otherwise the application will be noted on the district office records and forwarded to the General Land Office with appropriate recommendation.

**Land must be in Compact Form.**—6. Land entered under these laws should be in compact form, which means that it should be as nearly a square form as possible. Where, however, it is impracticable on account of the previous appropriation of adjoining lands, or on account of the topography of the country, to take the land in a compact form, all the facts regarding the situation, location, and character of the land sought to be entered, and the surrounding tracts, should be stated, in order that the General Land Office may determine whether, under all the circumstances, the entry should be allowed in the form sought. Entry-men should make a complete showing in this regard, and should state the facts and not the conclusions they derive from the facts, as it is the province of the Land Department of the Government to determine whether or not, from the facts stated, the entry should be allowed.

**How Preference Right may be Acquired on Unsurveyed Land.**—7. Prior to the act of March 28, 1908, a desert-land entry could embrace unsurveyed lands, but since the date of that act desert-land entries may not be made of unsurveyed lands. This act provides, however, that if a duly qualified person shall go upon a tract of unsurveyed desert land and reclaim, or commence to reclaim, the same, he shall be allowed a preference right of ninety days after the filing of the plat of survey in the local land office to make entry of the land. To preserve this preference right the work of reclamation must be continued up to the filing of the plat of survey, unless the reclamation of the land is completed before that time, and in that event the claimant must continue to cultivate and occupy the land until the survey is completed and the plat filed. A mere perfunctory occupation of the land, such as staking off the claim, or posting notices thereof on the land claimed, would not secure the preference right as against an adverse claimant, but occupation in entire good faith, accompanied by acts and works looking to the ultimate reclamation of the land, are necessary and required.

**How to Proceed to Make a Desert-land Entry.**—8. A person who desires to make entry under the desert-land laws must file with the register and receiver of the proper land office a declaration, or application, under oath, showing that he is a citizen of the United States, or has declared his intention to become such citizen; that he is twenty-one years of age or over; and that he is also a *bona fide* resident of the State or Territory in which the land sought to be entered is located. He must also state that he has not previously exercised the right of entry under the desert-land laws by making an entry or by having taken one by assignment; that he has personally examined every legal subdivision of the land sought to be entered; that he has not, since August 30, 1890, acquired title, under any of the agricultural land laws, to lands which, together with the land applied for, will exceed, in the aggregate, 320 acres; and that he intends to reclaim the lands applied for, by

conducting water thereon, within four years from the date of his application. This declaration must contain a description of the land, by legal subdivisions, section, township, and range.

**Terms of Application.**—9. Special attention is called to the terms of this application, as they require a personal knowledge by the entryman of the lands intended to be entered. The affidavit, which is made a part of the application, may not be made by an agent or upon information and belief, and the register and receiver must reject all applications in which it is not made to appear that the statements contained therein are made upon the applicant's own knowledge, and that it was obtained from a personal examination of the lands. The blank spaces in the application must be filled in with a complete statement of the facts, showing the applicant's acquaintance with the land and how he knows it to be desert land. This declaration must be corroborated by the affidavits of two reputable witnesses, who also must be personally acquainted with the land, and they must state the facts regarding the condition and situation of the land upon which they base the opinion that it is subject to desert entry.

**Entry of Lands Reclaimed Before Survey.**—The statements in the blank form of declaration and accompanying affidavits, as to present character of the land, may be modified so as to show the facts, in any case wherein application is made for entry of lands reclaimed, or partially reclaimed, by applicant, before survey, under the provisions of the act of March 28, 1908; as to a former entry, in case application is made for a second entry under the provisions of the act of March 26, 1906, and as to the character of the land with respect to coal deposits in case application is made, under the provisions of the act of June 22, 1910, for lands withdrawn or classified as coal lands, or valuable for coal.

**Residence, Occupation, and Postoffice Address.**—10. Applicants and witnesses must in all cases state their places of actual residence, their business or occupation, and their postoffice addresses. It is not sufficient to name only the county or State in which a person lives, but the town or city must be named, also, and where the residence is in a city, the street and number must be given. It is especially important to claimants that upon changing their postoffice addresses they promptly notify the local officers of such change, for upon failure to do so their entries may be canceled upon notice sent to the address of record, but not received by claimant. The register and receiver will be careful to note the postoffice address on their records.

**Proofs, Affidavits and Oaths.**—11. The application and corroborating affidavits, and all other proofs, affidavits, and oaths of any kind whatsoever, required by law to be made by applicants and entrymen and their corroborating witnesses, must be sworn to before the register or receiver of the land district in which the land is located, or before a United States commissioner, if the lands are within the boundaries of a State, or a commissioner of a court exercising federal jurisdiction, if in a Territory, or before a judge or clerk of a court of record, in the county, or land district, in which the land is situated. The only conditions

permitting the taking of such evidence outside the proper land district is where the county in which the land is situated lies partly in two or more land districts, in which case such evidence may be taken anywhere in the county. In case the application and affidavits are not made before either of the local officers, or in the county in which the land is located, they must be made before some of the officers above named, in the land district nearest to, or most accessible from, the land, which latter fact must be shown by affidavit of applicant. The declaration of applicant and the affidavits of his two witnesses must, in every instance, be made at the same time and place and before the same officer.

**Water Right.**—12. Persons who make desert-land entries, must acquire a clear right to the use of sufficient water to irrigate and reclaim the whole of the land entered, or as much of it as is susceptible of irrigation, and of keeping it permanently irrigated. Therefore, if a person makes an entry before he has taken steps to acquire water right, he does so at his own risk, because, ordinarily, one entry will exhaust his right and he will not be repaid the money paid at the time of making the entry.

**Map and Payment.**—13. At the time of filing his application with the register and receiver the applicant should also file a map, showing the plan by which he proposes to conduct water upon the land and the manner by which he intends to irrigate the same, and at the same time he must pay the receiver the sum of twenty-five cents per acre for the land applied for. The receiver will issue a receipt for the money, and the register and receiver will jointly issue a certificate showing the allowance of the entry. This application will be given its proper serial number at the time it is filed, and at the end of each month an abstract of collections under these laws will be transmitted to the General Land Office.

**Assignments.**—14. While by the act of March 3, 1891, assignments of desert-land entries were recognized, the Land Department, largely for administrative purposes, held that a desert-land entry might be assigned as a whole, or in its entirety, but refused to recognize the assignment of only a portion of an entry. The act of March 28, 1908, however, provides for the assignment of such entries, in whole or in part; but this does not mean that less than a legal subdivision may be assigned. Therefore, no assignment, otherwise than by legal subdivisions, will be recognized.

**Entry by Assignment Equivalent to Making Entry.**—15. The act of March 28, 1908, also provides that no person may take a desert-land entry by assignment, unless he is qualified to enter the tract so assigned to him. Therefore, if a person is not a resident citizen of the State or Territory wherein the land involved is located, or, if he has made a desert-land entry in his own right, he cannot take such an entry by assignment. The language of the act indicates that the taking of an entry by assignment is equivalent to the making of an entry, and this

being so, no person is allowed to take more than one entry by assignment. The desert-land right is exhausted either by making an entry or by taking one by assignment.

**Practice Prior to March 28, 1908.**—However, in view of the practice that obtained in the General Land Office prior to March 28, 1908, of recognizing the right of a person to make an entry, and also to take one or more entries by assignment, the aggregate area of the land embraced in all such entries not exceeding 320 acres, such entries and assignments so made or taken will not now be disturbed. But all assignments and entries made subsequent to the approval of the act of March 28, 1908, must be governed by the terms of that act, which is held to mean that the desert-land right is exhausted, either by making an entry or by taking one by assignment. Said act provides that no assignment to, or for the benefit of, any corporation or association shall be authorized or recognized.

**Evidence of Assignment.**—16. As stated above, desert-land entries may be assigned, in whole or in part, and, as evidence of the assignment, there should be transmitted to the General Land Office the original deed of assignment, or a certified copy thereof. Where the deed of assignment is recorded, a certified copy may be made by the officer who has custody of the record. Where the original deed is presented to an officer qualified to take proof in desert-land cases, a copy certified by such officer will be accepted. Attention is called to the fact that copies of deeds of assignment certified by notaries public or justices of the peace, or, indeed, any other officers than those who are qualified to take proofs and affidavits of desert-land cases, will not be accepted.

**Affidavit.**—An assignee must file, with his deed of assignment, an affidavit showing his qualifications to take the entry assigned to him. He must show what entries have been made by, or assigned to, him under the agricultural laws, and he must also show his qualifications as a citizen of the United States, that he is twenty-one years of age or over, and also that he is a resident citizen of the State or Territory in which the land assigned to him is situated. In short, the assignee must possess the qualifications necessary to enter the land proposed to be assigned were it subject to entry.

**No Assignable Right Prior to Payment.**—Desert-land entries are initiated by the payment of twenty-five cents per acre, and no assignable right is acquired by the applicant prior to such payment. An assignment made on the day of such payment, or soon thereafter, is treated as suggesting fraud, and such cases will be carefully scrutinized. The provision of law authorizing the assignments of desert entries, in whole or in part, furnishes no authority to a claimant under said law to make an executory contract to convey the land after the issuance of patent, and to thereafter proceed with the submission of final proof in furtherance of such contract.

**Sale Before Final Payment.**—The sale of the land embraced in an entry at any time before final payment is made must be regarded as an

assignment of the entry, and in such cases, the person buying the land must show that he possesses all the qualifications required of an assignee.

**Assignment Papers.**—The assignor of a desert-land entry may execute the assignment papers wherever he may be before any officer authorized to take acknowledgments, but the assignee must execute the affidavit, and all other required oaths and affidavits, before some one of the officers specified and in the manner set out in paragraph 11 of this circular.

**Assignments Conclusive When Recognized.**—No assignments of desert-land entries or parts of entries are conclusive until examined in the General Land Office and found satisfactory and the assignment recognized. When recognized, however, the assignee takes the place of the assignor as effectually as though he had made the entry, and is subject to any requirement that may be made relative thereto. The assignment of a desert-land entry to one disqualified to acquire title under the desert-land law, and to whom, therefore, recognition of the assignment is refused by the General Land Office, does not of itself render the entry fraudulent, but leaves the right thereto in the assignor.

**Annual Proof.**—17. In order to test the sincerity and good faith of the claimant under the desert-land laws, and to prevent the reservation or segregation of tracts of public land in the interest of persons having no intention of reclaiming the land, but rather, by payment of the initial sum of twenty-five cents per acre, hoping to gain the use of the land for a number of years, Congress in the act of March 3, 1891, made the requirement that a map be filed at the initiation of the entry, showing the mode of contemplated irrigation and the proposed source of the water supply, and that there be extended yearly for three years from the date of the entry not less than one dollar for each acre of the tract entered, making a total of not less than three dollars per acre, in the necessary irrigation, reclamation, and cultivation of the land, in permanent improvements thereon, and in the purchase of water rights for the irrigation thereof, and that at the expiration of the third year a map or plan be filed showing the character and extent of the improvements placed on the claim. The said act, however, authorizes the submission of final proof at an earlier date than four years from the time the entry is made in cases wherein reclamation has been effected and expenditures of not less than three dollars per acre have been made. Proof of these expenditures must be made before some officer authorized to administer oaths in desert-land cases. This proof, which is known as yearly or annual proof, must be made by applicant, whose affidavit must be corroborated by affidavits of two reputable witnesses, all of whom must have personal knowledge that the expenditures were made for the purpose stated in the proof.

**Expenditures Accepted.**—18. Expenditures for the construction and maintenance of storage reservoirs, dams, canals, ditches, and laterals to be used by claimant for irrigating his land, for roads where they are

necessary, for erecting stables, corrals, etc., for digging wells, where the water therefrom is to be used for irrigating the land, and for leveling and bordering land proposed to be irrigated will be accepted. Expenditures for fencing all or a portion of the claim may be accepted, in case it is clearly shown that the fence is necessary for the protection of a portion of the land being prepared for irrigation and cultivation or for the protection of canals, ditches, etc., thereon. Expenditures for surveying, for the purpose of ascertaining the levels for canals, ditches, etc., and for the first breaking or clearing of the soil may be accepted.

**Expenditures not Accepted.**—Expenditures for cultivation after the soil has been first prepared may not be accepted, because the claimant is supposed to be compensated for such work by the crops to be reaped as a result of cultivation. Expenditures for surveying the claim in order to locate the corners of same may not be accepted. The cost of tools, implements, wagons, and repairs to same, used in construction work may not be computed in the cost of construction. Expenditures for material of any kind will not be allowed unless such material has actually been installed or employed in and for the purpose for which it was purchased. For instance, if credit is asked for posts and wire for fences or for a pump or other well machinery, it must be shown that the fence has been actually constructed or the well machinery actually put in place. Annual proofs must contain itemized statements showing the manner in which expenditures were made.

**Expenditure for Interest in Irrigating Company.**—No expenditure for stock or interest in an irrigating company, through which water is to be secured for irrigating the land, will be accepted as satisfactory annual expenditure until a special agent, or other authorized officer, has submitted a report as to the resources and reliability of the company, including its actual water right, and such report has been favorably acted upon by the department. The stock purchased must carry the right to water, and it must be shown that payment in cash has been made at least to the extent of the amount required in connection with the annual proof submitted, and such stock must be actually owned by the claimants at the time of the submission of final proof. A certificate of the secretary, or other qualified officer of the company involved, must be furnished, showing the extent of actual water appropriation by the company, to what extent water had been previously disposed of, quantity of water carried under the stock or interest purchased by the desert claimant, and a statement showing the previous ownership of the shares of stock forming the basis of proffered proof, and a description of the land in connection with which such stock has been previously issued or used. Circumstances in connection with stock which has been previously made the basis of proof or annual expenditure will be carefully scrutinized and inquired into.

**Suspended Proofs.**—Registers and receivers are instructed to carefully examine all annual proofs filed and are authorized to suspend



same, with notice to claimants to cure defects within thirty days, or to reject, subject to the usual right of appeal to the Commissioner of the General Land Office. These proofs are to be forwarded with the regular monthly returns.

**Notice to Submit Proof.**—At the end of each year, if the required proof of actual expenditures has not been made, the register and receiver will send the entryman notice and allow him sixty days in which to submit such proof. If the proof is not furnished as required, the fact that notice was served upon the claimant should be reported to the General Land Office, with evidence of service, whereupon the entry will be canceled. Registers and receivers should keep on hand a sufficient supply of blank forms used in notifying the entrymen that annual proofs are due, and they should send such notices whenever necessary, without waiting for instructions from the General Land Office.

**Proof may be Submitted as Soon as Expenditures Made.**—19. Nothing in the statutes or regulations should be construed to mean that the entryman must wait until the end of the year to submit his annual proof, because the proof may be properly submitted as soon as the expenditures have been made. Proof sufficient for the three years may be offered whenever the amount of three dollars an acre has been expended in reclaiming and improving the land, and thereafter annual proof will not be required.

**Final Proof.**—20. The entryman, his assigns, or, in case of death, his heirs or devisees, are allowed four years from date of the entry within which to comply with the requirements of the law as to reclamation and cultivation of the land and to submit final proof, but final proof may be made and patent thereon issued as soon as there has been expended the sum of three dollars per acre in improving, reclaiming, and irrigating the land, and one-eighth of the entire area entered has been actually cultivated with irrigation, and when the requirements of the desert-land laws as to water rights and the construction of the necessary reservoirs, ditches, dams, etc., have been fully complied with. The cultivation and irrigation of the one-eighth of the entire area may be had in a body on one legal subdivision or may be distributed over several subdivisions. When an entryman has reclaimed the land and is ready to make final proof, he should apply to the register and receiver for a notice of intention to make such proof. This notice must contain a complete description of the land and must describe the entry by giving the number thereof and the name of the entryman. If the proof is made by an assignee, his name, as well as that of the original entryman, should be stated. It must also show when, where, and before whom the proof is to be made. Four witnesses may be named in this notice, two of whom must be used in making the proof.

**Notice.**—21. This notice must be published once a week for five successive weeks in a newspaper of established character and general circulation published nearest the land, and it must also be posted in a conspicuous place in the local land office for the same period of time.

The date fixed for the taking of the proof must be at least thirty days after the date of first publication. Proof of publication must be made by the affidavit of the publisher of the newspaper or by some one authorized to act for him. The register will certify to the posting of the notice in the local office.

**Making Proof.**—22. At the time and place mentioned in the notice, and before the officer named therein, the claimant will appear with two of the witnesses named in the notice and make proof of the reclamation, cultivation, and improvement of the land. This proof may be taken by any one of the officers named in paragraph 11 hereof. All claimants, however, are advised that, whenever possible, they should make proof before the register or receiver, because by doing so, they may, in many instances, avoid such delay as results from the practice whereby proofs submitted before officers other than the register or receiver are frequently suspended for investigation by a special agent.

**Testimony.**—The testimony of each claimant should be taken separate and apart from and not within the hearing of either of his witnesses, and the testimony of each witness should be taken separate and apart from and not within the hearing of either the applicant or of any other witness, and both the applicant and each of the witnesses should be required to state, in and as a part of the final proof testimony given by them, that they have given such testimony without any actual knowledge of any statement made in the testimony of either of the others. In every instance where, for any reason whatever, final proof is not submitted within the four years prescribed by law, or within the period of an extension granted for submitting such proof, an affidavit should be filed by claimant, with the proof, explaining the cause of delay.

**Irrigation, Cultivation, and Water Rights—Reclamation and Improvement.**—23. The final proof must show specifically the source and volume of the water supply and how it was acquired and how maintained. The number, length, and carrying capacity of all ditches to and on each of the legal subdivisions must also be shown. The claimant and the witnesses must each state in full all that has been done in the matter of reclamation and improvement of the land, and must answer fully, of their own personal knowledge, all of the questions contained in the final-proof blanks. They must state plainly whether at any time they saw the land effectually irrigated, and the different dates on which they saw the land irrigated should be specifically stated.

**One-eighth Portion Irrigated.**—24. While it is not required that all of the land shall have been actually irrigated at the time final proof is made, it is necessary that the one-eighth portion which is required to be cultivated shall also have been irrigated in a manner calculated to produce profitable results, considering the character of the land, the climate, and the kind of crops being grown.

**Main and Lateral Ditches.**—Furthermore, the final proof must clearly show that all of the permanent main and lateral ditches necessary for the irrigation of all the irrigable land in the entry have been con-

structed so that water can be actually applied to the land as soon as it is ready for cultivation. If there are any high points or any portions of the land, which for any reason it is not practicable to irrigate, the nature, extent, and situation of such areas in each legal subdivision must be fully stated. If less than one-eighth of a smallest legal subdivision is practically susceptible of irrigation from claimant's source of water supply, such subdivision must be relinquished.

**Actual Tillage.**—25. As a rule, actual tillage of one-eighth of the land must be shown. It is not sufficient to show only that there has been a marked increase in the growth of grass, or that grass sufficient to support stock has been produced on the land, as a result of irrigation. If, however, on account of some peculiar climatic or soil conditions, no crops except grass can be successfully produced, or if actual tillage will destroy or injure the productive quality of the soil, the actual production of a crop of hay, of merchantable value, will be accepted as sufficient compliance with the requirements as to cultivation. In such cases, however, the facts must be stated, and the extent and value of the crop of hay must be shown, and, as before stated, that same was produced as a result of actual irrigation.

**Steps Required by Laws of State for Securing Right to Water.**—26. The final proof must also show that the claimant has made the preliminary filings and taken such other steps as are required by the laws of the State or Territory in which the land is located, for the purpose of securing a right to the use of a sufficient supply of water to irrigate successfully all of the irrigable land embraced in his entry. It is a well-settled principle of law in all of the States and Territories in which the desert-land acts are operative, that actual application to a beneficial use of water appropriated from public streams measures the extent of the right to the water, and that failure to proceed with reasonable diligence to make such application to beneficial use, within a reasonable time, constitutes an abandonment of the right. The final proof, therefore, must show that the claimant has exercised such diligence as will, if continued, under the operation of this rule, result in his definitely securing a perfect right to the use of sufficient water for the permanent irrigation and reclamation of all of the irrigable land in his entry. To this end, the proof must at least show that water, which is being diverted from its natural course and claimed for the specific purpose of irrigating the lands embraced in claimant's entry, under a legal right acquired by virtue of his own or his grantor's compliance with the requirements of the State or territorial laws governing the appropriation by individuals of the waters of public streams or other sources of supply, as shown by the record evidence of such right which accompanies the proof, has actually been conducted through claimant's main ditches to and upon the land; that one-eighth of the land embraced in the entry has been actually irrigated and cultivated and that water has been brought to such a point on the land as to readily demonstrate that the entire irrigable area

may be irrigated from the system and that he is prepared to distribute the water so claimed over all of the irrigable land in each smallest legal subdivision in quantity sufficient for practical irrigation as soon as the land shall have been cleared or otherwise prepared for cultivation. The nature of the work necessary to be performed in and for the preparation for cultivation of such part of the land as has not been irrigated should be carefully indicated, and it should be shown that the said work of preparation is being prosecuted with such diligence as will permit of beneficial application of appropriated water within a reasonable time.

**Where No Final Adjudication of Water Right can be Secured.—**

27. In those States where entrymen have made applications for water rights and have been granted permits, but where no final adjudication of the water right can be secured from the State authorities, owing to delay in the adjudication of the watercourses, or other delay for which the entrymen are in no way responsible, proof that the entrymen have done all that is required of them by the laws of the State, together with proof of actual irrigation of one-eighth of the land embraced in their entries, may be accepted. This modification of the rule that the claimant must furnish evidence of an absolute water right will apply only in those States where, under the local laws, it is absolutely impossible for the entryman to secure final title to his water right within the time allowed him to submit final proof on his entry, and in such cases the best evidence obtainable must be furnished.

**Where Final Proof not Made Within Four Years.—**28. Where final proof is not made within the period of four years, or within the period for which an extension of time has been granted, the register and receiver should send the claimant a notice, addressed to him at his post-office address of record, informing him that he will be allowed ninety days in which to submit final proof. Should no action be taken within the time allowed, the register and receiver will report that fact, together with evidence of service, to the General Land Office, whereupon the entry will be canceled.

**Extension of Time in Submitting Proof Under Certain Conditions.—**

29. Under the provisions of the act of March 28, 1908, the period of four years may be extended, in the discretion of the Commissioner of the General Land Office, for an additional period not exceeding three years, if, by reason of some unavoidable delay in the construction of the irrigating works intended to convey water to the land, the entryman is unable to make proof of reclamation and cultivation required within the four years. This does not mean that the period within which proof may be made will be extended as a matter of course for three years. The statute authorizes the Commissioner of the General Land Office to grant the extension, in his discretion, for such a period as he may deem necessary for the completion of the reclamation, not exceeding three years, but such applications for extension will not be granted unless it be clearly shown that the failure to reclaim and culti-

vate the land within the regular period of four years was due to no fault on the part of the entryman, but to some unavoidable delay in the construction of the irrigation works, for which he was not responsible and could not have readily foreseen. Under no other condition is an extension of time to make final proof authorized, except in cases falling under section 5 of the act of June 27, 1906, pertaining to the entry of land within the limits of reclamation projects.

**Application for Extension.**—An entryman who desires to make application for extension of time under the provisions of the act of March 28, 1908, should file with the register and receiver an affidavit setting forth fully the facts, showing how and why he has been prevented from making final proof of reclamation and cultivation within the regular period. This affidavit should be executed before one of the officers named in paragraph 11 of this circular and must be corroborated by two witnesses who have personal knowledge of the facts, and the register and receiver, after carefully considering all of the facts, will forward the application to the General Land Office, with appropriate recommendation thereon. Inasmuch as registers and receivers reside in their respective districts, they are presumed to have more or less personal knowledge of the conditions existing therein, and for that reason much weight will be given their recommendations.

**Payments—Fees.**—30. At the time of making final proof the claimant must pay to the receiver the sum of one dollar per acre for each acre of land upon which proof is made. This, together with the twenty-five cents per acre paid at the time of making the original entry, will amount to one dollar and twenty-five cents per acre, which is the price to be paid for all lands entered under the desert-land law, regardless of their location. The receiver will issue a receipt for the money paid, and, if the proof is satisfactory, the register will issue a certificate in duplicate and deliver one copy to the entryman and forward the other copy to the General Land Office at the end of the month during which the certificate was issued.

**Final Certificate to Heirs or Devisees.**—If the entryman is dead and proof is made by anyone for the heirs, no will being suggested in the record, the final certificate should issue to the heirs generally, without naming them; if by anyone for the heirs or devisees, final certificate should issue, in like manner, to the heirs or devisees.

**Final Proof on Entry Prior to Act of March 28, 1908.**—When final proof is made on an entry made prior to the act of March 28, 1908, for unsurveyed land, if such proof is satisfactory, the register and receiver will approve the same and forward it to the General Land Office without collecting the final payment of one dollar an acre and without issuing final certificate. Fees for reducing the final proof testimony to writing should be collected and receipt issued therefor, if the proof is taken before the register and receiver. As soon as the land is surveyed they will call upon the entryman to make proof, in the form of an affidavit, duly corroborated, showing the legal subdivisions covered by his entry.

he will be excused, and the time during which it is shown that he has been hindered or delayed on account of the withdrawal of the land will not be computed in determining the time within which final proof must be made.

**Notice of Abandonment of Project.**—41. If after investigation the irrigation project has been or may be abandoned by the government, the time for compliance with the law by the entryman will begin to run from the date of notice of such abandonment of the project and of the restoration to the public domain of the lands which had been withdrawn in connection with the project.

**Reclamation Project Carried to Completion.**—If, however, the reclamation project is carried to completion by the government and a water supply has been made available for the land embraced in such desert-land entry, the entryman must comply with all the provisions of the act of June 17, 1902, and must relinquish all the land embraced in his entry in excess of 160 acres, and upon making final proof and complying with the terms of payment prescribed in said act of June 17, 1902, he shall be entitled to patent.

**Entryman may Proceed Independently.**—42. Special attention is called to the fact that nothing contained in the act of June 27, 1906, shall be construed to mean that a desert-land entryman who owns a water right and reclaims the land embraced in his entry must accept the conditions of the reclamation act of June 17, 1902, but he may proceed independently of the government's plan of irrigation and acquire title to the land embraced in his desert-land entry by means of his own system of irrigation.

**Entrymen Who Expect to Secure Water from the Government.**—43. Desert-land entrymen within exterior boundaries of a reclamation project, who expect to secure water from the government must relinquish all of the lands embraced in their entries in excess of 160 acres whenever they are required to do so through the local land office and must reclaim one-half of the irrigable area covered by their water right in the same manner as private owners of land irrigated under a reclamation project.

**Previous Rulings Vacated.**—44. All previous rulings and instructions not in harmony herewith are hereby vacated.

## STATUTES.

An Act to Provide for the Sale of Desert Lands in Certain States and Territories.

**Declaration — Appropriation of Water.**—It shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty-five cents per acre—to file a declaration under oath with the register and the receiver

of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one half-section, by conducting water upon the same, within the period of four years thereafter: Provided, however, That the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon *bona fide* prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him: Provided, That no person shall be permitted to enter more than one tract of land and not to exceed 320 acres, which shall be in compact form. (26 Stat. L. 1095.)

**Desert Lands.**—That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated. (19 Stat. L. 377.)

**States Affected.**—That this act shall only apply to and take effect in the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office. (19 Stat. L. 377.)

**Map.**—That at the time of filing the declaration hereinbefore required the party shall also file a map of said land which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections or fractional parts of sections of desert lands may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements. (26 Stat. L. 1095.)

**Expenditures—Proofs.**—That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least three dollars per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid, the party so entering shall expend not less than one dollar per acre for the purposes aforesaid; and he shall in like manner expend the sum of one dollar per acre during the second and also during the third year thereafter, until the full sum of three dollars per acre is so expended. Said party shall file during each year with the register, proof, by the affidavits of two or more credible witnesses, that the full sum of one dollar per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid, the lands shall revert to the United States, and the twenty-five cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of three dollars per acre: Provided, That proof be further required of the cultivation of one-eighth of the land. (26 Stat. L. 1095.)

**Rights Heretofore Accrued.**—That this act shall not affect any valid rights heretofore accrued under said act of March 3, 1877, but all *bona fide* claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed; or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable; and all acts and parts of acts in conflict with this act are hereby repealed. (26 Stat. L. 1095.)

**Patent.**—That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of one dollar per acre for said land, a patent shall issue therefor to the applicant or his assigns; but no person or association of persons shall hold, by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands; but this section shall not apply to entries



made or initiated prior to the approval of this act: Provided, however, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands and moneys paid therefor shall be forfeited to the United States. (26 Stat. L. 1095.)

**Entryman must be Resident Citizen.**—That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act; and no person shall be entitled to make entry of desert land except he be a resident citizen of the State or Territory in which the land sought to be entered is located. (26 Stat. L. 1095.)

**Entryman Hindered by Withdrawal or Irrigation Project.**—Where any *bona fide* desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry. (34 Stat. L. 520.)

**Abandonment of Project.**—Provided, That if after investigation the irrigation project has been or may be abandoned by the government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements heretofore made on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the aforesaid act of June 17, 1902, and shall relinquish all land embraced within his desert-land entry in excess of one hundred and sixty acres, and as to such one hundred and sixty acres retained, he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman

who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation act. (34 Stat. L. 520.)

**Second Desert-land Entry.**—Any person who prior to the passage of this act has made entry under the desert-land laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the desert-land law as though such former entry had not been made, and any person applying for a second desert-land entry under this act shall furnish the description and date of his former entry: Provided, That the provisions of this act shall not apply to any person whose former entry was assigned in whole or in part or canceled for fraud, or who relinquished the former entry for a valuable consideration. (35 Stat. L. 48.)

**Entry of Desert Lands Restricted to Surveyed Public Lands.**—From and after the passage of this act the right to make entry of desert lands under the provisions of the act approved March 3, 1877, entitled, "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record. (35 Stat. L. 52.)

**Preference Right.**—Provided, however, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office. (35 Stat. L. 52.)

**Assignment of Entry.**—That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said acts of the land covered by the assigned entry, and such assignments may include all or part of the entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized. (35 Stat. L. 52.)

**Extension of Time.**—That any entryman under the above acts shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements and provisions of said acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make progress of the reclamation and cultivation of said land, as required by said acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the disc-

made or initiated prior to the approval of this act: Provided, however, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands and moneys paid therefor shall be forfeited to the United States. (26 Stat. L. 1095.)

**Entryman must be Resident Citizen.**—That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act; and no person shall be entitled to make entry of desert land except he be a resident citizen of the State or Territory in which the land sought to be entered is located. (26 Stat. L. 1095.)

**Entryman Hindered by Withdrawal or Irrigation Project.**—Where any *bona fide* desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry. (34 Stat. L. 520.)

**Abandonment of Project.**—Provided, That if after investigation the irrigation project has been or may be abandoned by the government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements heretofore made on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the aforesaid act of June 17, 1902, and shall relinquish all land embraced within his desert-land entry in excess of one hundred and sixty acres, and as to such one hundred and sixty acres retained, he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman

who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation act. (34 Stat. L. 520.)

**Second Desert-land Entry.**—Any person who prior to the passage of this act has made entry under the desert-land laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the desert-land law as though such former entry had not been made, and any person applying for a second desert-land entry under this act shall furnish the description and date of his former entry: Provided, That the provisions of this act shall not apply to any person whose former entry was assigned in whole or in part or canceled for fraud, or who relinquished the former entry for a valuable consideration. (35 Stat. L. 48.)

**Entry of Desert Lands Restricted to Surveyed Public Lands.**—From and after the passage of this act the right to make entry of desert lands under the provisions of the act approved March 3, 1877, entitled, "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record. (35 Stat. L. 52.)

**Preference Right.**—Provided, however, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office. (35 Stat. L. 52.)

**Assignment of Entry.**—That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said acts of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized. (35 Stat. L. 52.)

**Extension of Time.**—That any entryman under the above acts who shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements, and provisions of said acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion

of the Commissioner of the General Land Office, within which to furnish proof, as required by said acts, of the completion of said work. (35 Stat. L. 52.)

### **RELIEF OF ASSIGNEES IN IMPERIAL COUNTY.**

**Assignment Recognized.**—Any person, other than a corporation, who has in good faith heretofore acquired by assignment a desert-land entry, which entry is regular upon its face, in the belief that he was obtaining a valid title thereto, which assignment was accepted when filed at the local land office of the United States and recognized at the General Land Office as a proper transfer of such entry, shall be entitled to complete the entry so acquired, notwithstanding any contest that has been or may be filed against such entry, based upon a charge of fraud of which the assignee had no knowledge.

**Notice of Fraud.**—Provided, however, That this act shall only apply to any person who at the time of receiving such assignment was without notice of any fraud in the entry assigned or in any annual proof made concerning the same.

**Patent to Assignee.**—Provided, further, That patent shall not issue to any such assignee unless he shall affirmatively establish, by his evidence, under oath, good faith and lack of notice of fraud, and by the testimony, under oath, of himself and at least two witnesses that expenditure in the total amount and cultivation and reclamation to the full extent required by law have been actually made and accomplished: And provided, further, That nothing herein contained shall be construed to waive or avoid liability for any fraud or violation of the law on the part of the person committing the same.

**Persons Permitted to Complete Title Notwithstanding Contest.**—That where a person having made entry under the desert-land law was thereafter permitted by the Land Department to hold another entry or entries by assignment, or where a person having previously perfected title under assignment of a desert-land entry, or having held land under assignment to the amount of three hundred and twenty acres or more at different times, was thereafter permitted by the Land Department to make an entry in his own right, or to hold other lands under assignment, such persons, or their lawful assignees, shall be, upon showing full compliance with all requirements of existing law as to expenditure, reclamation, and cultivation, permitted to complete title to the land now held by them, notwithstanding any contest that may have been or may hereafter be filed against the entry based upon the charge that the present claimant has exhausted his right under the desert-land law by reason of having previously made an entry or held land under an assignment as above detailed; Provided, however, That this section shall not be applicable to entries made or taken by assignment subsequently to November 30, 1908; Provided, further, That no person shall be entitled to the benefits of either the first or second section of this act who has heretofore acquired title to three

hundred and twenty acres of land under the desert-land laws; nor shall this act be construed to modify in any manner the provisions of the act of August 30, 1890 (Twenty-sixth Statutes, 391), and the seventeenth section of the act of March 3, 1891 (Twenty-sixth Statutes, 1095), restricting the quantity of lands that may be acquired under the agricultural land laws.

The provisions of this act shall apply to Imperial County, California, only. (Act of June 25, 1910.)

## UNITED STATES LAND OFFICE—RULES OF PRACTICE.

### I.

#### PROCEEDINGS BEFORE REGISTERS AND RECEIVERS.

**Rule 1. Initiation of Contests.**—Contests may be initiated by any person seeking to acquire title to, or claiming an interest in, the land involved, against a party to any entry, filing, or other claim under laws of Congress relating to the public lands, because of priority of claim, or for any sufficient cause affecting the legality or validity of the claim, not shown by the records of the Land Department.

**Reference and Investigation.**—Any protest or application to contest filed by any other person shall be forthwith referred to the Chief of Field Division, who will promptly investigate the same and recommend appropriate action.

#### APPLICATION TO CONTEST.

**Rule 2. Contents of Application.**—Any person desiring to institute contest must file, in duplicate, with the register and receiver, application in that behalf, together with statement under oath containing:

(a) **Name—Residence of Party.**—Name and residence of each party adversely interested, including the age of each heir of any deceased entryman.

(b) **Description—Character of Land.**—Description and character of the land involved.

(c) **Proceedings Pending.**—Reference, so far as known to the applicant, to any proceedings pending for the acquisition of title to or the use of such lands.

(d) **Grounds of Contest.**—Statement, in ordinary and concise language, of the facts constituting the grounds of contest.

(e) **Statement of Law and Facts.**—Statement of the law under which applicant intends to acquire title and facts showing that he is qualified to do so.

(f) **Good Faith.**—That the proceeding is not collusive or speculative, but is instituted and will be diligently pursued in good faith.

(g) **Application to Prove.**—Application that affiant be allowed to prove said allegations and that the entry, filing, or other claim be canceled.

(h) **Address.**—Address to which papers shall be sent for service on such applicant.

**Rule 3. One Witness.**—The statements in the application must be corroborated by the affidavit of at least one witness.

**Rule 4. Contest Without Reference.**—The register and receiver may allow any application to contest without reference thereof to the commissioner; but they must immediately forward copy thereof to the Commissioner of the General Land Office, who will promptly cause proper notations to be made upon the records, and no patent or other evidence of title shall issue until and unless the case is closed in favor of the contestee.

#### CONTEST NOTICE.

**Rule 5. Contest Notice.**—The register and receiver shall act promptly upon all applications to contest and upon the allowance of any such application shall issue notice, directed to the persons adversely interested, containing:

(a) **Contents.**—The names of the parties, description of the land involved, and identification, by appropriate reference, of the proceeding against which the contest is directed.

(b) **Direction to Answer.**—Notice that unless the adverse party appears and answers the allegation of said contest within thirty days after service of notice the allegations of the contest will be taken as confessed.

#### SERVICE OF NOTICE.

**Rule 6. How Served.**—Notice of contest may be served on the adverse party personally or by publication.

**Rule 7. Personal Service.**—Personal service of notice of contest may be made by any person over the age of eighteen years, or by registered mail; when served by registered mail, proof hereof must be accompanied by postoffice registry return receipt, showing personal delivery to the party to whom the same is directed; when service is made personally, proof thereof shall be by written acknowledgment of the person served, or by affidavit of the person serving the same, showing personal delivery to the party served; except when service is made by publication, copy of the affidavit of contest must be served with such notice.

**Rule 8. Abatement of Contest.**—Unless notice of contest is personally served within thirty days after issuance of such notice and proof thereof made not later than thirty days after such service, or if service by publication is ordered, unless publication is commenced within ten days after such order and proof of publication is made not later than twenty days after the fourth publication, as specified in Rule 10, the contest shall abate: Provided, That if the defendant makes answer without questioning the service or the proof of service of said notice, the contest will proceed without further requirement in those particulars.

### SERVING NOTICE BY PUBLICATION.

**Rule 9. Notice by Publication.**—Notice of contest may be given by publication only when it appears, by affidavit, by or on behalf of the contestant, filed within thirty days after the allowance of application to contest and within ten days after its execution, that the adverse party cannot be found, after due diligence and inquiry, made for the purpose of obtaining service of notice of contest within fifteen days prior to the presentation of such affidavit, of the postmaster at the place of address of such adverse party appearing on the records of the Land Office, and of the postmaster nearest the land in controversy and also of named persons residing in the vicinity of the land.

**Address of the Adverse Party.**—Such affidavit must state the last address of the adverse party as ascertained by the person executing the same.

**Published Notice.**—The published notice of contest must give the names of the parties thereto, description of the land involved, identification, by appropriate reference, of the proceeding against which the contest is directed, the substance of the charges contained in the affidavit of contest, and a statement that, upon failure to answer within twenty days after the completion of publication of such notice, the allegations of said affidavit of contest will be taken as confessed.

**Affidavit of Contest.**—The affidavit of contest need not be published.

**Statement of Dates.**—There shall be published with the notice a statement of the dates of publication.

**Rule 10. Service of Notice—Newspaper.**—Service of notice by publication shall be made by publishing notice at least once a week for four successive weeks in some newspaper published in the county wherein the land in contest lies; and if no newspaper be printed in such county, then in a newspaper printed in the county nearest to such land.

**Copy by Registered Mail.**—Copy of the notice, as published, together with copy of the affidavit of contest, shall be sent by the contestant, within ten days after the first publication of such notice, by registered mail, directed to the party for service upon whom such publication is being made, at the last address of such party as shown by the records of the Land Office, and also at the address named in the affidavit for publication, and also at the postoffice nearest the land.

**Copy Posted.**—Copy of the notice, as published, shall be posted in the office of the register, and also in a conspicuous place, upon the land involved, such posting to be made within ten days after the first publication of notice as hereinabove provided.

**Rule 11. Proof of Publication.**—Proof of publication of notice shall be by copy of the notice as published, attached to and made a part of the affidavit of the publisher, or foreman, of the newspaper publishing the same, showing the publication thereof in accordance with these rules.



**Proof of Posting.**—Proof of posting shall be by affidavit of the person who posted notice on the land, and the certificate of the register as to posting in the local land office.

#### DEFECTIVE SERVICE OF NOTICE.

**Rule 12. Contest not to Abate.**—No contest proceeding shall abate because of any defect in the manner of service of notice in any case where copy of the notice or affidavit of contest is shown to have been received by the person to be served; but in such case the time to answer may be extended in the discretion of the register and receiver.

#### ANSWER BY CONTESTEE.

**Rule 13. Time and Manner of Answering.**—Within thirty days after personal service of notice and affidavit of contest as above provided, or, if service is made by publication, within twenty days after the fourth publication, as prescribed by these rules, the party served must file with the register and receiver answer, under oath, specifically meeting and responding to the allegations of the contest, together with proof of service of a copy thereof upon the contestant by delivery of such copy at the address designated in the application to contest, or personally in the manner provided for the personal service of notice of contest.

**Address for Service upon Party Answering.**—Such answer shall contain or be accompanied by the address at which all notices or other papers shall be sent for service upon the party answering.

#### FAILURE TO ANSWER.

**Rule 14. Affidavit Taken as Confessed.**—Upon the failure to serve and file answer as provided by Rule 13, the allegations of the contest affidavit will, on motion of contestant made within twenty days after the date the answer is required to be filed and before any answer is filed, be taken as confessed, or in case of failure of contestee to file answer and of contestant to file motion within the time prescribed, the allegation of the contest affidavit may be taken as confessed and judgment entered by the Commissioner of the General Land Office without the award of preference right to contestant. Due service of notice, either personally or by publication, as provided by Rule 8, must appear in all such cases. At the end of the period herein prescribed the register and receiver will forthwith forward the case, with recommendation thereon, to the General Land Office and notify the parties by registered mail of the action taken.

#### DATE AND NOTICE OF TRIAL.

**Rule 15. By Registered Letter.**—Upon the filing of answer and proof of service thereof the register and receiver will forthwith fix time and place for taking testimony and notify all parties thereof by registered letter mail not less than twenty days in advance of the date fixed.

## PLACE OF SERVICE OF PAPERS.

**Rule 16.** Proof of delivery of papers required to be served upon the contestant at the place designated under clause (h) of Rule 2, in the application to contest, and upon any adverse party at the place designated in the answer, or at such other place as may be designated in writing by the person to be served, shall be sufficient for all purposes; and, where notice of contest has been given by registered mail, and the registry return receipt shows the same to have been received by the adverse party, proof of delivery at the address at which such notice was so received, shall, in the absence of other direction by such adverse party, be sufficient.

Where a party has appeared and is represented by counsel, service of papers upon such counsel shall be sufficient.

## CONTINUANCE.

**Rule 17. When Granted.**—Hearing may be postponed because of absence of a material witness when the party applying for continuance makes affidavit, and it appears to the satisfaction of the officer presiding at such hearing, that—

(a) **Matter Material.**—The matter to which such witness would testify if present is material.

(b) **Diligence.**—That proper diligence has been exercised to procure his attendance, and that his absence is without procurement or consent of the party on whose behalf continuance is sought.

(c) **Attendance can be had.**—That affiant believes the attendance of said witness can be had at the time to which continuance is sought.

(d) **Delay.**—That the continuance is not sought for mere purposes of delay.

**Rule 18. One Continuance Only.**—One continuance only shall be allowed to either party on account of absence of witnesses, unless the party applying for further continuance shall, at the same time, apply for order to take the testimony of the alleged absent witnesses by deposition.

**Rule 19. When Refused.**—No continuance shall be granted if the opposite party shall admit that the witness, on account of whose absence continuance is desired, would, if present, testify as stated in the application for continuance.

**Continuances on Behalf of the United States.**—Continuances will be granted on behalf of the United States when the public interest requires the same, without affidavit on the part of the Government.

## DEPOSITIONS AND INTERROGATORIES.

**Rule 20. When Taken.**—Testimony may be taken by deposition when it appears by affidavit that—

(a) **Witness Resides More Than 50 Miles.**—The witness resides more than 50 miles, by the usual traveled route, from the place of trial.

(b) **Witness Without or About to Leave State.**—The witness resides without, or is about to leave, the State or Territory, or is absent therefrom.

(c) **Witness Unable, or will Refuse to Attend the Hearing.**—From any cause it is apprehended that the witness may be unable to, or will refuse to, attend the hearing, in which case the deposition will be used only in the event personal attendance of the witness cannot be obtained.

**Rule 21. Affidavit for Taking Deposition—Interrogatories.**—The party desiring to take deposition must serve upon the adverse party and file with the register and receiver, affidavit setting forth the name and address of the witness and one or more of the above-named grounds for taking such deposition, and that the testimony sought is material; which affidavit must be accompanied by proposed interrogatories to be propounded to the witness.

**Rule 22. Cross-interrogatories.**—The adverse party will, within ten days after service of affidavit and interrogatories, as provided in the preceding rule, serve and file cross-interrogatories.

**Rule 23. Commission.**—After the expiration of ten days from the service of affidavit for the taking of deposition and direct interrogatories, commission to take the deposition shall be issued by the register and receiver directed to any officer authorized to administer oaths within the county where such deposition is to be taken, which commission shall be accompanied by a copy of all interrogatories filed.

**Notice of Taking Deposition.**—Ten days' notice of the time and place of taking such deposition shall be given, by the party in whose behalf such deposition is to be taken, to the adverse party.

**Rule 24. Manner of Taking Deposition.**—The officer before whom such deposition is taken shall cause each interrogatory to be written out, and the answer thereto inserted immediately thereafter, and said deposition, when completed, shall be read over to the witness and by him subscribed and sworn to in the usual manner before the witness is discharged, and said officer will thereupon attach his certificate to said deposition, stating that the same was subscribed and sworn to at the time and place therein mentioned.

**Rule 25. Return of Deposition.**—The deposition, when completed and certified as aforesaid, together with the commission and interrogatories, must be inclosed in a sealed package, indorsed with the title of the proceeding in which the same is taken, and returned by mail or express to the register and receiver, who will indorse thereon the date of reception thereof, and the time of opening said deposition.

**Rule 26. Certificate of Official Character.**—If the officer designated to take the deposition has no official seal, certificate of his official character under seal must accompany the return of the deposition.

**Rule 27. Deposition by Stipulation.**—Deposition may, by stipulation filed with the register and receiver, be taken before any officer

authorized to administer oaths, and either by oral examination or upon written interrogatories.

**Rule 28. Testimony Before Commissioner.**—Testimony may, by order of the register and receiver and after such notice as they may direct, be taken by deposition before a United States commissioner, or other officer authorized to administer oaths near the land in controversy, at a time and place to be designated in a notice of such taking of testimony. The officer before whom such testimony is taken will, at the completion of the taking thereof, cause the same to be certified to, sealed, and transmitted to the register and receiver in the like manner as is provided with reference to depositions.

**Rule 29. Charge for Examining Testimony.**—No charge will be made by the register and receiver for examining testimony taken by deposition.

**Rule 30. Fees for Taking Testimony.**—Officers designated to take testimony will be allowed to charge such fees as are chargeable for similar services in the local courts, the same to be taxed in the same manner as costs are taxed by registers and receivers.

**Rule 31. When Officer Designated cannot Act.**—When the officer designated to take deposition cannot act at the time fixed for taking the same, such deposition may be taken at the same time and place before any other qualified officer designated for that purpose by the officer named in the commission or by agreement of the parties.

**Rule 32. Order for Taking Testimony.**—No order for the taking of testimony shall be issued until after the expiration of time allowed for the filing of answer.

### TRIALS.

**Rule 33. Excluding Witnesses.**—The register and receiver and other officers taking testimony may exclude from the trial all witnesses except the one testifying and the parties to the proceeding.

**Rule 34. Register and Receiver to Personally Direct Examination.** The register and receiver will be careful to reach, if possible, the exact condition and status of the land involved in any contest, and will ascertain all the facts having any bearing upon the rights of parties in interest; to this end said officers should, whenever necessary, personally interrogate and direct the examination of a witness.

**Rule 35. Pre-emption Cases.**—In pre-emption cases the register and receiver will particularly ascertain the nature, extent, and value of alleged improvements; by whom made, and when; the true date of the settlement of persons claiming; the steps taken to mark and secure the claim; and the exact status of the land at that date as shown upon the records of their office.

**Rule 36. Under Homestead and Other Laws.**—In like manner, under the homestead and other laws, the conditions affecting the inception of the alleged right, as well as the subsequent acts of the respective claimants, must be fully and specifically examined.

**Rule 37. Cross-examination.**—Due opportunity will be allowed opposing claimants to cross-examine witnesses.

**Rule 38. Objections to Evidence.**—Objections to evidence will be duly noted, but not ruled upon, by the register and receiver, and such objections will be considered by the commissioner. Officers before whom testimony is taken will summarily stop examination which is obviously irrelevant.

**Rule 39. Testimony to be Reduced to Writing.**—At the time set for hearing, or at any time to which the trial may be continued, the testimony of all the witnesses present shall be taken and reduced to writing.

**Shorthand.**—When testimony is taken in shorthand the stenographic notes must be transcribed, and the transcription subscribed by the witness and attested by the officer before whom the testimony was taken: Provided, however, That when the parties shall, by stipulation, filed with the record, so agree, or when the defendant has failed to appear, or fails to participate in the trial, and the contestant shall in writing so request, such subscription may be dispensed with.

**Certificate.**—The transcript of testimony shall, in all cases, be accompanied by certificate of the officer or officers before whom the same was taken showing that each witness was duly sworn before testifying, and, by affidavit of the stenographer who took the testimony, that the transcription thereof is correct.

**Rule 40. Demurrer to Evidence.**—If a defendant demurs to the sufficiency of the evidence, the register and receiver will forthwith rule thereon. If such demurrer is overruled, and the defendant elects to introduce no evidence, no further opportunity will be afforded him to submit proofs.

**Ruling Thereon.**—When testimony is taken before an officer other than the register and receiver, demurrer to the evidence will be received and noted, but no ruling made thereon, and the taking of evidence on behalf of the defendant will be proceeded with; the register and receiver will rule upon such demurrer when the record is submitted for their consideration.

**Effect of Ruling.**—If said demurrer is sustained, the register and receiver will not be required to examine the defendant's testimony. If, however, the demurrer be overruled, all the evidence will be considered and decision rendered thereon.

**Joint Report.**—Upon the completion of the evidence in a contest proceeding, the register and receiver will render joint report and opinion thereon, making full and specific reference to the posting and annotations upon their records.

**Rule 41. New Trial.**—The register and receiver will, in writing, notify the parties to any proceeding of the conclusion therein, and that fifteen days will be allowed from the receipt of such notice to move for new trial upon the ground of newly discovered evidence, and that

if no motion for new trial is made, thirty days will be allowed from the receipt of such notice within which to appeal to the commissioner.

### NEW TRIAL.

**Rule 42. Newly Discovered Evidence.**—The decision of the register and receiver will be vacated and new trial granted only upon the ground of newly discovered evidence, in accordance with the practice applicable to new trials in courts of justice: Provided, however, That no such application shall be granted except upon showing that the substantial rights of the applicant have been injuriously affected.

**No Appeal from Order Granting New Trial.**—No appeal will be allowed from an order granting new trial, but the register and receiver will proceed at the earliest practicable time to retry the case, and will, so far as possible, use the testimony theretofore taken without re-examination of same witnesses, confining the taking of testimony to the newly discovered evidence.

**Rule 43. Notice of Motion for New Trial.**—Notice of motion for new trial, setting forth the grounds thereof, and accompanied by copies of all papers not already on file to be used in support of such motion, shall be served upon the adverse party, and, together with proof of service, filed with the register and receiver not more than fifteen days after notice of decision; the adverse party shall, within ten days after such notice, serve and file affidavits or other papers to be used by him in opposition to such motion.

**Rule 44. Review of Decision Thereof.**—Motions for new trial will not be considered or decided in the first instance by the commissioner or the Secretary of the Interior, or otherwise than on review of the decision thereof by the register and receiver.

**Rule 45. Letter of Transmittal.**—If motion for new trial is not made, or if made and not allowed, the register and receiver will, at the expiration of the time for appeal, promptly forward the same, with the testimony and all papers in the case, to the commissioner, with letter of transmittal, describing the case by its title, nature of the contest, and the land involved.

The local officers will not, after forwarding of decision, as above provided, take further action in the case unless so instructed by the commissioner.

### FINAL PROOF PENDING CONTEST.

**Rule 46. Where Trial has Taken Place.**—Where trial of a contest brought against any entry or filing has taken place, the entryman may submit final proof and complete the same, with the exception of payment of the purchase money or commission, as the case may be; such final proof will be retained in the local office, and, should the entry be adjudged valid, will, if satisfactory, be accepted upon payment of the purchase money or commissions, and final certificate will issue without further action on the part of the entryman, except the furnishing by

him, or in case of his death by his legal representatives, of nonalienation affidavit.

**Fees for Reducing Testimony to Writing.**—In such cases the party making the proof will at the time of submitting same be required to pay the fees for reducing the testimony to writing.

#### APPEALS TO COMMISSIONER.

**Rule 47. Notice Thereof.**—No appeal from the action or decision of the register and receiver will be considered unless notice thereof is served and filed with the local officers in the manner and within the time specified in these rules.

**Rule 48. How Served and Filed.**—Notice of appeal from the decision of the register and receiver shall be served and filed with such register and receiver within thirty days after receipt of notice of decision: Provided, however, That when motion for new trial is presented and denied, notice of such appeal shall be served within fifteen days after receipt of notice of the denial of said motion.

**Rule 49. Who may not Appeal.**—No person who has failed to answer the contest affidavit, or, having answered, has failed to appear at the hearing, shall be allowed an appeal from the final action or decision of the register and receiver.

**Rule 50. Contents of Notice.**—Such notice of appeal must be in writing, and set forth in clear, concise language the grounds of the appeal; if such appeal be taken upon the ground of insufficiency of the evidence to justify the decision, the particulars of such insufficiency must be specifically set forth in the notice, and, if error of law is urged as a ground for such appeal, the alleged error must be likewise specified.

**Failure to Serve and File Notice of Appeal.**—Upon failure to serve and file notice of appeal as herein provided the case will be closed.

**Rule 51. Failure to Move or Appeal in Time.**—When any party fails to move for a new trial or to appeal from the decision of the register and receiver within the time specified, such decision shall, as to such party, be final and will not be disturbed except in case of—

(a) Fraud or gross irregularity.

(b) Disagreement in the decision between the register and receiver.

No case will be remanded for any defect which does not materially affect the aggrieved party.

**Rule 52. Custody of Papers.**—All documents received by the local officers must be kept on file and the date of filing noted thereon; no papers will, under any circumstances, be removed from the files or from the custody of the register and receiver, but access to the same, under proper regulations, and so as not to interfere with transaction of public business, will be permitted to the parties or their attorneys.

**COSTS AND APPORTIONMENT THEREOF.**

**Rule 53. Who must Pay.**—A contestant claiming preference right of entry under the second section of the act of May, 14, 1880 (21 Stat. 140), must pay the costs of contest; in other cases each party must pay the cost of taking the direct examination of his own witnesses and the cross-examination on his behalf of other witnesses. The cost of noting motions, objections, and exceptions must be paid by the party on whose behalf the same are made.

**Rule 54. Accumulation of Costs.**—Accumulation of excessive costs will not be permitted. When the officer before whom testimony is being taken shall rule that a course of examination is irrelevant, the same will not proceed except at the sole cost of the party insisting thereon and upon his depositing the amount reasonably sufficient to pay therefor.

**Rule 55. Where Party Contesting Establishes Right of Entry Without Reference to Act of May, 1880.**—Where a party contesting a claim shall by virtue of actual settlement and improvement establish his right of entry of the land in contest under the pre-emption, homestead, or desert-land laws by virtue of settlement and improvement without reference to the act of May 14, 1880, the costs of contest will be imposed as prescribed in the second clause of Rule 53.

**Rule 56. Contest Fees or Costs Allowed.**—The only costs of contest chargeable by registers and receivers are the legal fees for reducing testimony to writing. No other contest fees or costs will be allowed to or charged by those officers, directly or indirectly.

**Rule 57. Security for Costs.**—Registers and receivers may at any time require either party to give security for costs, including expense of taking and transcribing testimony.

**Rule 58. Excess.**—Upon the filing of the transcript of the testimony in the local office, any excess in the sum deposited as security for costs of transcribing testimony will be returned to the parties depositing the same.

**Rule 59. Hearings on Behalf of Government.**—When hearings are ordered on behalf of the Government, all costs incurred on its behalf will be paid from the proper appropriation, and when, upon the discovery of reason for suspension in the usual course of examination of entries and contest, hearings are ordered between contending parties, the costs will be paid as required by Rule 53.

**Rule 60. When Collected.**—The costs provided for by the preceding rules will be collected by the receiver when the parties are brought before him in obedience to the order for hearing.

**Rule 61. Statement of Costs.**—The receiver will append to the report in each case a statement of costs, the amount actually paid by each of the parties, and the disposition thereof.

**Rule 62. Papers by Whom Prepared.**—All notices and other papers not required to be served by the register and receiver must be prepared and served by the respective parties.



**Rule 63.—Provision for Notices.**—The register and receiver will require proper provision to be made for such notices not specifically provided for in these rules as may become necessary in the usual progress of the case to final decision.

#### APPEAL FROM DECISION REJECTING APPLICATION TO ENTER PUBLIC LANDS.

**Rule 64. Duties of Local Officers.**—To facilitate appeals from the action of local officers relative to applications to file, enter, or locate upon the public lands, the register and receiver will—

(a) Indorse upon every rejected application the date of presentation and reasons for rejection.

(b) Promptly advise the party in interest of their action and of his right of appeal.

(c) Note upon their records a memorandum of the transaction.

**Rule 65. Notice of Appeal.**—The party agrieved will be allowed thirty days from receipt of notice in which to file notice of appeal in the local land office. The notice of appeal, when filed, will be forwarded to the General Land Office with full report upon the case, which should recite all the facts and proceedings had, and must embrace the following particulars:

(a) The original application, with reasons for the rejection thereof.

(b) Description of the tract involved and statement of its status, as shown by the records of the local office.

(c) Reference to all entries, filings, annotations, memorandum, and correspondence shown by the record relating to said tract and to the proceedings had.

### II.

#### PROCEEDINGS BEFORE SURVEYORS GENERAL.

**Rule 66. Notices, Depositions, and Other Matters.**—The proceedings in hearings and contests before surveyors general shall, as to notices, depositions, and other matters, be governed as nearly as may be by the rules prescribed for proceedings before registers and receivers, unless otherwise provided by law.

### III.

#### PROCEEDINGS BEFORE THE COMMISSIONER OF THE GENERAL LAND OFFICE AND SECRETARY OF THE INTERIOR.

##### EXAMINATION AND ARGUMENT.

**Rule 67. Notice of Order or Decision.**—The commissioner will cause notice to be given to each party in interest whose address is known of any order or decision affecting the merits of the case or the regular order of proceedings therein.

**Rule 68. Additional Evidence.**—No additional evidence will be admitted or considered by the commissioner unless offered under stipu-

lations of the parties or in support of a mineral application or protest; provided, however, that the commissioner may order further investigation made or evidence submitted upon particular matters to be by him specifically designated.

**Ex Parte Statements.**—Affidavits or other *ex parte* statements filed in the office of the commissioner will not be considered in finally determining any controversy upon the merits.

**Rule 69. Summary Action.**—After receipt of the record by the commissioner thirty days will be allowed to expire before any action is taken thereon, unless, in the judgment of the commissioner, public policy or private necessity shall require summary action, in which event he will proceed at his discretion, first notifying the attorneys of record of his intention so to do; provided, that where no appeal has been filed the case may be immediately considered and disposed of.

**Rule 70. Argument.**—If brief is not filed before a case is reached in its order for examination, the argument will be considered closed, and no further argument or motion of any kind will be entertained, except upon application and upon good cause appearing to the commissioner therefor.

**Rule 71. Oral Argument.**—In the discretion of the commissioner, oral argument may be presented, at a time to be fixed by him and upon notice to opposing counsel, which notice shall specify the time for such argument and the specific matter to be discussed. Except as herein provided, oral hearings or suggestions will not be allowed.

### REHEARINGS.

**Rule 72. Motion for Rehearing.**—No motion for rehearing of any decision rendered by the Commissioner of the General Land Office will be allowed.

### MOTIONS.

**Rule 73. No Motion Entertained After Record Transmitted.**—No motion shall be entertained or considered in any case after the record has been transmitted to a reviewing officer.

**Appeal in Ex Parte Cases.**—In *ex parte* cases, where the entryman has been allowed by the commissioner to furnish additional evidence or to show cause, or, in the alternative, to appeal, both the evidence or showing and the appeal are filed, the commissioner shall pass upon the evidence or showing submitted, and, if found sufficient, note the appeal as closed. If such evidence or showing be found insufficient, the appeal will be forwarded to the Secretary as in other cases.

### APPEAL FROM THE COMMISSIONER TO THE SECRETARY.

**Rule 74. Appeal to Secretary of the Interior.**—Except as herein otherwise provided, an appeal may be taken to the Secretary of the

Interior from the final decision of the commissioner in any proceeding relating to the disposal of the public lands and private claims.

**Rule 75. Where Party Affected Failed to Appeal from Decision of Local Officers.**—No appeal shall be had from the action of the commissioner affirming the decision of the local officers in any case where the party adversely affected shall have failed to appeal from the decision of said local officers.

**Rule 76. Notice of Appeal from Commissioner's Decision.**—Notice of appeal from the commissioner's decision must be served upon the adverse party and filed in the office of the register and receiver or in the General Land Office within thirty days from the date of service of notice of such decision.

**Rule 77. Defective Appeal.**—When the commissioner considers an appeal defective he will notify the party thereof; and if the defect be not cured within fifteen days from the date of receipt of such notice, the appeal may be dismissed and the case closed.

**Rule 78. Order Directing Commissioner to Certify Proceedings.**—In proceedings before the commissioner in which he shall decide that a party has no right to appeal to the Secretary, such party may apply to the secretary for an order directing the commissioner to certify said proceedings to the Secretary and suspend action until the Secretary shall pass upon the same; such application shall be in writing, under oath, and fully and specifically set forth the grounds upon which the same is made.

**Rule 79. Suspense of Action After Decision.**—When the commissioner shall decide against the right of appeal he will suspend action on the case for twenty days from service of notice of such decision to enable the party against whom the decision is rendered to apply to the Secretary for an order certifying the record as hereinabove provided.

**Rule 80. Briefs.**—The appellant will be allowed twenty days after service of notice of appeal within which to serve and file brief and specification of error, as provided by rule 50, the adverse party twenty days after service of such within which to serve and file reply thereto; appellant will be allowed ten days after service of such reply within which to serve and file response: Provided, however, That if either party is not represented by counsel having offices in the city of Washington, ten days in addition to each period above specified will be allowed within which to serve and file the respective briefs.

No arguments otherwise than above provided shall be made or filed without permission of the Secretary or commissioner granted upon notice to the adverse party.

**Rule 81. Printed Arguments Preferred.**—Examination of cases will be facilitated by filing arguments in printed form.

### ORAL ARGUMENTS BEFORE THE SECRETARY.

**Rule 82. Oral Argument.**—Oral argument in any case pending before the Secretary of the Interior will be allowed, on motion, in the discretion of the Secretary, at a time to be fixed by him, after notice to the parties. The counsel for each party will be allowed only one-half an hour, unless an extension of time is ordered before the argument begins.

### REHEARING OF SECRETARY'S DECISION.

**Rule 83. Motion for Rehearing.**—A motion for rehearing of a cause by the Secretary of the Interior, together with all papers used in connection therewith, must be in writing, and must, together with evidence of service thereof on the adverse party, be filed with the Secretary of the Interior within thirty days after service of notice of the decision in said cause.

**Argument in Support.**—Said motion must state concisely and specifically the grounds upon which such rehearing is asked and may be accompanied by written argument in support thereof. No matters other than those specified will be considered.

**Reply to Motion.**—The adverse party will be allowed fifteen days after the service of the motion upon him in which to serve and file with the Secretary of the Interior a reply to the motion.

**Transmission of Record.**—In case no such motion be filed within the period above prescribed, the record will at once be transmitted to the Commissioner of the General Land Office for execution of the judgment of the Secretary. Like action will be taken immediately after the judgment of the Secretary on any motion for rehearing.

**Argument.**—No oral argument will be allowed on any such motion, and this rule will be strictly adhered to. If the motion be granted, the Secretary will at once proceed to dispose of the case, or, in his discretion, if the motion, or the reply thereto, has been accompanied by a request for oral argument in the event of its being granted, will set the cause down for oral argument. In any case, however, if the motion be granted, the Secretary may set the cause down for oral argument.

**Judgment When Effective.**—Nothing in this rule, however, shall prevent any judgment or order of the Secretary on appeal from becoming effective, in whole or in part, immediately or at any other time when and as directed in the judgment or order.

### MOTIONS FOR REVIEW AND REREVIEW.

**Rule 84. Abolished.**—Motions for review and rereview are hereby abolished.

### SUPERVISORY POWER OF SECRETARY.

**Rule 85. Motion for Exercise of Supervisory Power.**—Motion for the exercise of supervisory power will be considered only when accom-

panied by positive showing of extraordinary emergency or exigency demanding the exercise of such authority.

**Rules.**—In proceedings before the Secretary of the Interior the same rules shall govern, in so far as applicable, as are provided for proceedings before the Commissioner of the General Land Office.

**Rule 86. Construction of Rules.**—No rule here prescribed shall be construed to deprive the Secretary of the Interior of any direct or supervisory power conferred upon him by law.

#### ATTORNEYS.

**Rule 87. Oath.**—Every attorney before practicing before the Department of the Interior must first file the oath prescribed by section 3478 of the Revised Statutes.

**Rule 88. Authority of Attorney.**—In all cases where any party is represented by attorney such attorney will be recognized as fully controlling the same on behalf of his client, and service of any notice or other paper relating to such proceedings upon such attorney will be deemed notice to the party in interest.

**Where Party Represented by More Than One Attorney.**—Where a party is represented by more than one attorney service of notice or other papers upon one of said attorneys shall be sufficient.

**Rule 89. Name and Postoffice Address.**—No person hereafter appearing as a party or attorney in any case shall be entitled to notice of any proceeding therein who does not, at the time of appearance, file in the office in which the case is pending a statement showing his name and postoffice address and the name and postoffice address of the party whom he represents.

**Rule 90. Attorney Allowed to Consult Records.**—Any attorney in good standing employed, and whose appearance is regularly entered in any case pending before the department, will be allowed full opportunity to consult the records therein, together with abstracts, field-notes, tract-books, and correspondence which is not deemed privileged and confidential.

**Rule 91. Inquiries Directed to Employee.**—Verbal or other inquiries by parties or counsel directed to any employee of the department, except the commissioner, assistant commissioner, or chief of division of the General Land Office, or the Secretary and Assistant Secretary, the Assistant Attorney General, or the first assistant attorney in the offices of the Secretary of the Interior, or with the consent of one or more of said officers, is expressly forbidden.

**Rule 92. Abuse of Privilege.**—Abuse of the privilege of examining records of the department or violation of the foregoing rule by any attorney will be treated as sufficient cause for institution of disbarment proceedings.

#### SERVICE OF NOTICES.

**Rule 94. Time.**—Fifteen days, exclusive of the day of mailing, will be allowed for the transmission of notice or other papers by mail from

the General Land Office, except in case of notice of resident attorneys, in which case one day will be allowed.

**How Computed.**—In computing time for service of papers under these rules of practice the first day shall be excluded and the last day included: provided, however, that where the last day falls on Sunday or a legal holiday, such time shall include the next following business day.

**Rule 95. Proof of Service of Notice.**—Notice of all motions and proceedings before the commissioner or Secretary shall be served upon parties or counsel personally or by registered mail, and no motion will be entertained except on proof of service of notice thereof.

**Rule 96. Ex parte Proceedings.**—*Ex parte* proceedings and proceedings in which the adverse party does not appear will, as to notice of decision, time for appeal, and filing of exceptions and arguments, be governed by the rules prescribed in other cases, so far as the same are applicable. In such cases the commissioner or Secretary may, pursuant to application and upon good cause being shown therefor, permit additional evidence to be presented for the purpose of curing defects in the proofs of record.

#### INTERVENTION.

**Rule 97. Application.**—No person shall be allowed to intervene in any case except upon application therefor, under oath, showing his interest therein.

These Rules of Practice will be effective on and after February 1, 1911.

### PUBLIC UTILITIES LAW—CONSTITUTIONAL PROVISIONS.

(Constitution, Art. XII.)

**§ 17. Common Carriers.**—All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its roads to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

**§ 18. Limit on Interest of an Officer or Agent.**—No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

**§ 19. Public Officers not to Receive Passes.**—No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket, by a member of the legislature or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

**§ 20. Railroads or Other Common Carriers—Increase of Rates by.** No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the railroad commission provided for in this Constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property. (Amendment adopted October 19, 1911.)

**§ 21. Railroads and Other Transportation Companies—Discrimination Forbidden.**—No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates. Provided, however, that upon application to the Railroad Commission provided for in this Constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the Railroad Commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The Railroad Commission shall have power to authorize the issuance of excursion and commutation tickets at special rates. Nothing herein contained shall be construed to prevent the Railroad Commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory, provided no discrimination will result from such reparation. (Amendment adopted October 10, 1911.)

**§ 22. Railroad Commission, Powers and Duties.**—There is hereby created a Railroad Commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the governor from the State at large; provided, that the legislature, in its discretion, may

divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; and provided further that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Railroad Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of railroad commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of



all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Commission in this Constitution, and the authority of the legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein. (Amendment adopted October 10, 1911.)

**§ 23. Public Utilities—Supervision and Regulation of.**—Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe-line, plant, or equipment, or any part of such railroad, canal, pipe-line, plant or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the Railroad Commission respecting public utilities is

hereby declared to be plenary and to be unlimited by any provision of this Constitution.

From and after the passage by the legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; provided, however, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; and provided, further that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith. (Amendment adopted October 10, 1911.)

§ 24. **Legislature to Enforce This Article.**—The legislature shall pass all laws necessary for the enforcement of the provisions of this article.

## PUBLIC UTILITIES ACT.

### RAILROAD COMMISSION—GENERAL PROVISIONS.

- § 1. Short title.
- § 2. Definitions.
- § 3. Railroad Commission — Appointment — Term — Vacancies — Removal.
- § 4. Attorney.
- § 5. Secretary—Assistant secretary.
- § 6. Additional officers and employees.
- § 7. Oath of office—Eligibility of commissioners and employees.
- § 8. Office of commission—Meetings—Official seal—Supplies and equipment.
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- § 11. Transportation for commissioners, officers and employees.
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#### DUTIES OF PUBLIC UTILITIES.

- § 13. Charges—Service and facilities—Rules and regulations.
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- § 15. Changes in schedules—Notice required.
- § 16. Concurrence in joint tariffs.
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- § 19. Preferences.
- § 20. Economies—Profit from to inure to public utility.
- § 21. Sliding scale of charges—Profit sharing.
- § 22. Discrimination between utilities *inter se* prohibited—Connecting lines.
- § 23. False billing, etc., by carrier or shipper—False claims for damages.
- § 24. Long and short haul and service.
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#### POWERS AND DUTIES OF RAILROAD COMMISSION.

- § 31. Powers of commission.
- § 32. Charges to be fixed by commission.
- § 33. Joint rates and through routes on common carriers.
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- § 40. Physical connections and joint rates—Telephone and telegraph corporations.
- § 41. Use of joint facilities.
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- § 44. Investigation of accidents—Reports to commission.
- § 45. Power of commission to provide rules for expediting traffic—Express and telegraph rules and regulations.
- § 46. Power of commission as to service, etc., of public utilities.
- § 47. Valuation of property.
- § 48. Uniform system of accounts—Access to accounts, etc.
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- § 50. New construction—Franchises and privileges.
- § 51. Transfer of property, franchises, etc., transfers of stock.
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#### PROCEDURE BEFORE RAILROAD COMMISSION AND COURTS.

- § 53. Rules for hearing—Informalities.
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- § 55. Witnesses—Attendance and fees—Depositions—Incrimination.
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- § 59. Production of books and records kept outside the State.
- § 60. Complaints.
- § 61. Hearings, orders and record—Recovery on decision.
- § 62. Public utility may complain.
- § 63. Increases in rates.
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- § 66. Rehearings.
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- § 68. Suspension of commission's orders.
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- § 72. Commission shall enforce laws.
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- § 74. Effect of act on release of damages—Penalties cumulative.
- § 75. Summary proceedings.
- § 76. Penalties, violations by public utilities.
- § 77. Penalties, violations by officers, agents or employees of public utilities.
- § 78. Penalties, violations by corporations other than public utilities.
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- § 80. Suits for penalties.
- § 81. Contempt proceedings.

#### CONSTRUCTION—SAVING CLAUSE—APPROPRIATION—REPEAL.

- § 82. Effect of act on existing powers of any city and county, or incorporated city or town.
- § 83. Effect of act on pending actions and proceedings.
- § 84. Constitutionality.
- § 85. Interstate commerce.
- § 86. Appropriation.
- § 87. Repeal.
- § 88. Time of effect.

(Approved December 23, 1911. Amended by chapter 553, approved June 14, 1913; effective August 10, 1913.)

§ 1. **Short Title.**—This act shall be known as the "Public Utilities Act" and shall apply to the public utilities and public services herein described and to the commission herein referred to.

§ 2. **Definitions—Commission.**—(a) The term "commission," when used in this act, means the Railroad Commission of the State of California.

(b) **Commissioner.**—The term "commissioner," when used in this act, means one of the members of the commission.

(c) **Corporation.**—The term "corporation," when used in this act, includes a corporation, a company, an association and a joint-stock association.

(d) **Person.**—The term "person," when used in this act, includes an individual, a firm and a copartnership.

(e) **Transportation of Persons.**—The term "transportation of persons," when used in this act, includes every service in connection with or incidental to the safety, comfort or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

(f) **Transportation of Property.**—The term "transportation of property," when used in this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express corporations.

(g) **Street Railroad.**—The term "street railroad," when used in this act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

(h) **Street Railroad Corporation.**—The term "street railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state.

(i) **Railroad.**—The term "railroad," when used in this act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

(j) **Railroad Corporation.**—The term "railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state.

(k) **Express Corporation.**—The term "express corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this state.

(l) **Common Carrier.**—The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping-car, dining-car, drawing-room car, freight, freight line, refrigerator, oil, stock, fruit, car-loaning, car-renting, car-loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state or upon the high seas, over regular routes between points within this state.

(m) **Pipe-line.**—The term "pipe-line," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

(n) **Pipe-line Corporation.**—The term "pipe-line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe-line for compensation within this state.

(o) **Gas Plant.**—The term "gas plant," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas (natural or manufactured) for light, heat or power.

(p) **Gas Corporation.**—The term "gas corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(q) **Electric Plant.**—The term "electric plant," when used in this act, includes all real estate, fixtures and personal property owned.

controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

(r) **Electrical Corporation.**—The term "electrical corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(s) **Telephone Line.**—The term "telephone line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

(t) **Telephone Corporation.**—The term "telephone corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this state.

(u) **Telegraph Line.**—The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

(v) **Telegraph Corporation.**—The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state.

(w) **Water System.**—The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use.

(x) **Water Corporation.**—The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, con-

trolling, operating or managing any water system for compensation within this state.

(y) **Vessel.**—The term “vessel,” when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property.

(z) **Wharfinger.**—The term “wharfinger,” when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this state.

(aa) **Warehouseman.**—The term “warehouseman,” when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

(bb) **Public Utility.**—The term “public utility,” when used in this act, includes every common carrier, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and warehouseman, where the service is performed for or the commodity delivered to the public or any portion thereof. The term “public or any portion thereof” as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality or other political subdivision of the State, for which the service is performed or to which the commodity is delivered, and whenever any common carrier, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger or warehouseman performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger or warehouseman is hereby declared to be a public utility subject to the jurisdiction, control and regulation of the commission and the provisions of this act. Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivisions of the State, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby



declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act.

**§ 3. Railroad Commission — Appointment — Term — Vacancies — Removal.**—(a) The Railroad Commission shall consist of five members, who shall be appointed by the governor from the State at large; provided, that the three commissioners in office on the 10th day of October, 1911, shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, excepting that of the commissioners first appointed after the expiration of said term one shall be appointed to hold office until the first day of January, 1917, two until the 1st day of January, 1919, and two until the 1st day of January, 1921. The commissioners shall elect one of their number president of the commission.

(b) **Vacancy.**—Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The legislature, by a two-thirds vote of all members elected to each house, may remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency.

**§ 4. Attorney.**—The commission shall have power to appoint as attorney to the commission an attorney at law of this State, who shall hold office during the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission, and, if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute and expedite the final determination of all actions and proceedings directed or authorized by the commission; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof; and generally to perform all duties and services as attorney to the commission which the commission may require of him.

**§ 5. Secretary—Assistant Secretary.**—The commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the commission may prescribe. The commission may appoint an assistant secretary, who shall have all the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of this State. The secretary and the assistant secretary shall have power to administer oaths, certify to all official

acts, and issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State.

**§ 6. Additional Officers and Employees.**—The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission.

**§ 7. Oath of Office—Eligibility of Commissioners and Employees.**—Each commissioner and each person appointed to a civil executive office by the commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. Each commissioner shall be a qualified elector of this state, and no person in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission; provided, that if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant.

**§ 8. Office of Commission—Meetings—Official Seal—Supplies and Equipment.**—(a) The office of the commission shall be in the city and county of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in said city and county of San Francisco, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the city and county of San Francisco, the commission shall have power to rent quarters or offices, and the expense thereof and in connection therewith shall be paid in the same manner as other expenses authorized by this act. The sessions of the commission shall be public.

(b) The commission shall have a seal, bearing the following inscription: "Railroad Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(c) The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and the same shall be paid for in the same manner as other expenses authorized by this act.

**§ 9. Quorum.**—A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every finding, order or decision made by a commissioner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the commission.

**§ 10. Salaries and Expenses.**—(a) The annual salary of each commissioner shall be eight thousand (8,000) dollars. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners, attorney, secretary, rate expert and assistant secretary shall be civil executive officers and their salaries as fixed by law or the commission shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every other person holding office or employment under the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

**§ 11. Transportation for Commissioners, Officers and Employees.**—The commissioners and the officers and employees of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels and other vehicles of every common carrier, as said term is defined in this act, subject in whole or in part to control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car, vessel or other vehicle of such common carrier, whether such railroad, car, vessel or other vehicle be used for the transportation of passengers or freight, and regardless of its class.

**§ 12. Annual Report.**—The commission shall make and submit to the governor on or before the first day of December of each year subsequent to the year 1912, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal

year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the state.

**§ 13. Charges—Service and Facilities—Rules and Regulations.—**

(a) All charges made, demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

(b) Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

(c) All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

**§ 14. Tariff Schedules—Publication.—**(a) Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classifications for the transportation between termini within this state of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated or controlled by it to all points upon the route of any other common carrier. Whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges and classifications applicable to the through transportation. The schedules printed as aforesaid shall plainly state the places between which property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and classifications, or the value of the service rendered to the passenger, shipper or consignee. Subject to such rules and regulations as the commission may prescribe, such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and open to inspection by the public in every station where such rates, fares, charges, passengers or property are respectively received for transportation, when such station or office is in charge of the carrier, or in the city or office of such carrier where the same are received for transportation.

ing, parlor car or other train accommodations are sold or bills of lading or waybills or receipts for property are issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the act of Congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedules prescribed by the interstate commerce commission under said act.

(b) Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals and charges shown on such schedules when filed by a public utility as to which the commission by this act acquires the power to fix any rates, tolls, rentals or charges, shall not, within any portion of the territory as to which the commission acquires as to such public utility such power, exceed the rates, tolls, rentals or charges in effect on the 10th day of October, 1911; the rates, tolls, rentals and charges shown on such schedules, when filed by any public utility as to any territory as to which the commission does not by this act acquire as to such public utility such power, shall not exceed the rates, tolls, rentals and charges in effect at the time the commission acquires as to such territory and as to such public utility the power to fix rates, tolls, rentals or charges. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals or charges, from time to time, in excess of or less than those shown by said schedules.

(c) The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules or regulations in respect to any matter in this section referred to.

**§ 15. Changes in Schedules—Notice Required.**—Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility,

except after thirty days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

**§ 16. Concurrence in Joint Tariffs.**—The names of the several public utilities which are parties to any joint tariff, rate, fare, toll, contract, classification or charge shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the commission, a schedule showing such joint tariff, rate, fare, toll, contract, classification or charge need be filed with the commission by only one of the parties to it; provided, that there is also filed with the commission in such form as the commission may require a concurrence in such joint tariff, rate, fare, toll, contract, classification or charge by each of the other parties thereto.

**§ 17. Rates and Fares as Published to be Charged.**—(a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act.

2. **Charges to be Uniform.**—No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time: nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

3. **Exceptions.**—No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for passengers between points within this state, except to its officers, agents, employees, attor-

neys, physicians and surgeons, and members of their families; to ministers of religion, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research or in patriotic work when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of livestock, poultry, milk, fruit and other freight, under uniform and nondiscriminatory regulations; to employees of sleeping-car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, postoffice inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; provided, that the term "employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso, and the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; and provided, further, that no free ticket, free pass or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employee of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; and provided, further, that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers

within this state; and provided, further, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matter to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the interchange of free or reduced-rate transportation for passengers or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons and members of their families, where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the interstate commerce commission; provided, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family: nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employees, attorneys, physicians and surgeons, and members of their families: nor to prevent the carrying out of contracts for free or reduced-rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made: nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employees, of persons entering or leaving its service, and of persons killed or dying while in its service.

**4. Other Exceptions.**—Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or for patriotic purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat: also contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

(b) **Commission may Establish Exceptions.**—Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable



to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; provided, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

**§ 18. Filing of Interstate Tariffs.**—Every common carrier and every telegraph and telephone corporation shall print and file or cause to be filed with the commission schedules showing all the rates, fares, tolls, rentals, charges and classifications for the transportation of persons or property or the transmission of messages or conversations between all points within this State and all points without the State upon its route, and between all points within this State and all points without the State upon every route leased, operated or controlled by it, and between all points on its route or upon any route, leased, operated or controlled by it within this State and all points without the State upon the route of any other common carrier or telegraph or telephone corporation, whenever a through route and joint rate shall have been established between any two such points.

**§ 19. Preferences.**—No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

**§ 20. Economies—Profit from to Inure to Public Utility.**—Nothing in this act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of, the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine.

**§ 21. Sliding Scale of Charges—Profit-sharing.**—Nothing in this act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission or furnishing of heat, light, water or power, or telegraph or telephone service, from establishing a sliding scale of charges: provided, that a schedule showing such scale of

charges shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this act shall be taken to prohibit any such corporation or person from entering into an agreement for a fixed period for the automatic adjustment of charges for heat, light, water or power, or telegraph or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person; provided, that a schedule showing the scale of charges under such arrangement shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this act.

**§ 22. Discrimination Between Utilities Inter Se Prohibited—Connecting Lines.**—(a) Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad corporation shall receive from every other railroad corporation, at any point of connection, freight-cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated or controlled by such railroad corporation, or to point of transfer according to route billed, if the destination be upon the line of some other railroad corporation.

**Joint Rates.**—Nothing in this section contained shall be construed as in anywise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers and property over the lines owned, operated, controlled or leased by it and the lines of other common carriers, nor as in any manner limiting or modifying the power of the commission to require the establishment of such joint rates, fares and charges.

(b) **Connecting Telephone and Telegraph Companies.**—Every telephone corporation and telegraph corporation operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made.

**§ 23. False Billing, etc., by Carrier or Shipper.**—(a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing, or report of weight, or by any other device or means, assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this State at less than the rates and fares then established and in force as shown

by the schedules filed and in effect at the time. No person, corporation, or any officer, agent or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

(b) **False Claims for Damages.**—No person or corporation, or any officer, agent or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit or deposition, or upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate or payment for damage, in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees; nor shall any common carrier, or any officer, agent or employee thereof, knowingly pay or offer to pay any such allowance, rebate or claim for damage.

§ 24. **Long and Short Haul and Service.**—(a) No common carrier subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul. Upon application to the commission, such common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

(b) **Long and Short Distance Messages.**—No telephone or telegraph corporation subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this act;

but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, a telephone or telegraph corporation may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

**§ 25. Switch and Spur Connections.**—(a) Every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, for a connection between the railroad of such railroad corporation and any existing or contemplated private track, tracks or railroad of such corporation or person, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover; provided, that such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad corporation over such connection is sufficient to justify the expense of such connection to such railroad corporation.

(b) **Shippers to Construct Spurs.**—Under the conditions specified in the proviso in subsection (a) hereof, every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

**§ 26. Foreign Public Utilities Excluded.**—No foreign corporation, other than those which by a compliance with the laws of this State are entitled to transact a public utility business within this State, shall henceforth transact within this State any public utility business, nor shall any foreign corporation which is at present lawfully transacting business within this state henceforth transact within this State any public utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact, nor shall any license, permit or franchise to own, control, operate or manage any public utility business or any part or incident thereof be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this State a public utility business of like character; provided, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this Union may transact within this State such commerce and intrastate commerce of a like character.

**§ 27. Fares and Transfers on Street Railroads.**—No street or inter-urban railroad corporation shall charge, demand, collect or receive

more than five cents for one continuous ride in the same general direction within the corporate limits of any city and county, or city or town, except upon a showing before the commission that such greater charge is justified; provided, that until the decision of the commission upon such showing, a street or interurban railroad corporation may continue to demand, collect and receive the fare in effect on October 10, 1911, or at the time the commission acquires as to such corporation the power to fix fares within such city and county, or city or town. Every street or interurban railroad corporation shall upon such terms as the commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car.

**§ 28. Requests for Information.**—(a) Every public utility shall furnish to the commission in such form and such detail as the commission shall prescribe all tabulations, computations and all other information required by it to carry into effect any of the provisions of this act, and shall make specific answers to all questions submitted by the commission.

(b) **Blanks.**—Every public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

(c) **Copies of Records.**—Whenever required by the commission, every public utility shall deliver to the commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers and records in its possession or in any way relating to its property or affecting its business and also a complete inventory of all its property in such form as the commission may direct.

(d) **Divulging Information.**—No information furnished to the commission by a public utility, except such matters as are specifically required to be open to public inspection by the provisions of this act, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor.

**§ 29. Reports.**—Every public utility shall annually furnish to the commission at such time and in such form as the commission may require a report in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have authority to require any public utility to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special reports concerning any matter about which the commission is

acts, and issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State.

**§ 6. Additional Officers and Employees.**—The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission.

**§ 7. Oath of Office—Eligibility of Commissioners and Employees.**—Each commissioner and each person appointed to a civil executive office by the commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. Each commissioner shall be a qualified elector of this state, and no person in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission; provided, that if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant.

**§ 8. Office of Commission—Meetings—Official Seal—Supplies and Equipment.**—(a) The office of the commission shall be in the city and county of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in said city and county of San Francisco, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the city and county of San Francisco, the commission shall have power to rent quarters or offices, and the expense thereof and in connection therewith shall be paid in the same manner as other expenses authorized by this act. The sessions of the commission shall be public.

(b) The commission shall have a seal, bearing the following inscription: "Railroad Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(c) The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and the same shall be paid for in the same manner as other expenses authorized by this act.

**§ 9. Quorum.**—A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every finding, order or decision made by a commissioner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the commission.

**§ 10. Salaries and Expenses.**—(a) The annual salary of each commissioner shall be eight thousand (8,000) dollars. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners, attorney, secretary, rate expert and assistant secretary shall be civil executive officers and their salaries as fixed by law or the commission shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every other person holding office or employment under the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control.

**§ 11. Transportation for Commissioners, Officers and Employees.**—The commissioners and the officers and employees of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels and other vehicles of every common carrier, as said term is defined in this act, subject in whole or in part to control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car, vessel or other vehicle of such common carrier, whether such railroad, car, vessel or other vehicle be used for the transportation of passengers or freight, and regardless of its class.

**§ 12. Annual Report.**—The commission shall make and submit to the governor on or before the first day of December of each year subsequent to the year 1912, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal

year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the state.

**§ 13. Charges—Service and Facilities—Rules and Regulations.—**

(a) All charges made, demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

(b) Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

(c) All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

**§ 14. Tariff Schedules—Publication.—**(a) Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classifications for the transportation between termini within this state of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges and classifications applicable to the through transportation. The schedules printed as aforesaid shall plainly state the places between which property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and classifications, or the value of the service rendered to the passenger, shipper or consignee. Subject to such rules and regulations as the commission may prescribe, such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleep-



ing, parlor car or other train accommodations are sold or bills of lading or waybills or receipts for property are issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the act of Congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedules prescribed by the interstate commerce commission under said act.

(b) Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals and charges shown on such schedules when filed by a public utility as to which the commission by this act acquires the power to fix any rates, tolls, rentals or charges, shall not, within any portion of the territory as to which the commission acquires as to such public utility such power, exceed the rates, tolls, rentals or charges in effect on the 10th day of October, 1911; the rates, tolls, rentals and charges shown on such schedules, when filed by any public utility as to any territory as to which the commission does not by this act acquire as to such public utility such power, shall not exceed the rates, tolls, rentals and charges in effect at the time the commission acquires as to such territory and as to such public utility the power to fix rates, tolls, rentals or charges. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals or charges, from time to time, in excess of or less than those shown by said schedules.

(c) The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules or regulations in respect to any matter in this section referred to.

**§ 15. Changes in Schedules—Notice Required.**—Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility,

except after thirty days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

**§ 16. Concurrence in Joint Tariffs.**—The names of the several public utilities which are parties to any joint tariff, rate, fare, toll, contract, classification or charge shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the commission, a schedule showing such joint tariff, rate, fare, toll, contract, classification or charge need be filed with the commission by only one of the parties to it; provided, that there is also filed with the commission in such form as the commission may require a concurrence in such joint tariff, rate, fare, toll, contract, classification or charge by each of the other parties thereto.

**§ 17. Rates and Fares as Published to be Charged.**—(a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act.

2. **Charges to be Uniform.**—No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time: nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

3. **Exceptions.**—No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for passengers between points within this state, except to its officers, agents, employees, attor-

neys, physicians and surgeons, and members of their families; to ministers of religion, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research or in patriotic work when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of livestock, poultry, milk, fruit and other freight, under uniform and nondiscriminatory regulations; to employees of sleeping-car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, postoffice inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; provided, that the term "employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso, and the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; and provided, further, that no free ticket, free pass or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employee of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; and provided, further, that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers

within this state; and provided, further, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matter to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the interchange of free or reduced-rate transportation for passengers or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons and members of their families, where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the interstate commerce commission; provided, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family: nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employees, attorneys, physicians and surgeons, and members of their families: nor to prevent the carrying out of contracts for free or reduced-rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made: nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employees, of persons entering or leaving its service, and of persons killed or dying while in its service.

**4. Other Exceptions.**—Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or for patriotic purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat; also contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

(b) **Commission may Establish Exceptions.**—Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable

to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; provided, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

**§ 18. Filing of Interstate Tariffs.**—Every common carrier and every telegraph and telephone corporation shall print and file or cause to be filed with the commission schedules showing all the rates, fares, tolls, rentals, charges and classifications for the transportation of persons or property or the transmission of messages or conversations between all points within this State and all points without the State upon its route, and between all points within this State and all points without the State upon every route leased, operated or controlled by it, and between all points on its route or upon any route, leased, operated or controlled by it within this State and all points without the State upon the route of any other common carrier or telegraph or telephone corporation, whenever a through route and joint rate shall have been established between any two such points.

**§ 19. Preferences.**—No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

**§ 20. Economies—Profit from to Inure to Public Utility.**—Nothing in this act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of, the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine.

**§ 21. Sliding Scale of Charges—Profit-sharing.**—Nothing in this act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission or furnishing of heat, light, water or power, or telegraph or telephone service, from establishing a sliding scale of charges: provided, that a schedule showing such scale of

charges shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this act shall be taken to prohibit any such corporation or person from entering into an agreement for a fixed period for the automatic adjustment of charges for heat, light, water or power, or telegraph or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person; provided, that a schedule showing the scale of charges under such arrangement shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this act.

**§ 22. Discrimination Between Utilities Inter Se Prohibited—Connecting Lines.**—(a) Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad corporation shall receive from every other railroad corporation, at any point of connection, freight-cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated or controlled by such railroad corporation, or to point of transfer according to route billed, if the destination be upon the line of some other railroad corporation.

**Joint Rates.**—Nothing in this section contained shall be construed as in anywise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers and property over the lines owned, operated, controlled or leased by it and the lines of other common carriers, nor as in any manner limiting or modifying the power of the commission to require the establishment of such joint rates, fares and charges.

(b) **Connecting Telephone and Telegraph Companies.**—Every telephone corporation and telegraph corporation operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made.

**§ 23. False Billing, etc., by Carrier or Shipper.**—(a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing, or report of weight, or by any other device or means, assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this State at less than the rates and fares then established and in force as shown

by the schedules filed and in effect at the time. No person, corporation, or any officer, agent or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

(b) **False Claims for Damages.**—No person or corporation, or any officer, agent or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit or deposition, or upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate or payment for damage, in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees; nor shall any common carrier, or any officer, agent or employee thereof, knowingly pay or offer to pay any such allowance, rebate or claim for damage.

§ 24. **Long and Short Haul and Service.**—(a) No common carrier subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul. Upon application to the commission, such common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

(b) **Long and Short Distance Messages.**—No telephone or telegraph corporation subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this act;

but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, a telephone or telegraph corporation may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

**§ 25. Switch and Spur Connections.**—(a) Every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, for a connection between the railroad of such railroad corporation and any existing or contemplated private track, tracks or railroad of such corporation or person, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover; provided, that such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad corporation over such connection is sufficient to justify the expense of such connection to such railroad corporation.

(b) **Shippers to Construct Spurs.**—Under the conditions specified in the proviso in subsection (a) hereof, every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

**§ 26. Foreign Public Utilities Excluded.**—No foreign corporation, other than those which by a compliance with the laws of this State are entitled to transact a public utility business within this State, shall henceforth transact within this State any public utility business, nor shall any foreign corporation which is at present lawfully transacting business within this state henceforth transact within this State any public utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact, nor shall any license, permit or franchise to own, control, operate or manage any public utility business or any part or incident thereof be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this State a public utility business of like character; provided, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this Union may transact within this State such commerce and intrastate commerce of a like character.

**§ 27. Fares and Transfers on Street Railroads.**—No street or inter-urban railroad corporation shall charge, demand, collect or receive



more than five cents for one continuous ride in the same general direction within the corporate limits of any city and county, or city or town, except upon a showing before the commission that such greater charge is justified; provided, that until the decision of the commission upon such showing, a street or interurban railroad corporation may continue to demand, collect and receive the fare in effect on October 10, 1911, or at the time the commission acquires as to such corporation the power to fix fares within such city and county, or city or town. Every street or interurban railroad corporation shall upon such terms as the commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car.

**§ 28. Requests for Information.**—(a) Every public utility shall furnish to the commission in such form and such detail as the commission shall prescribe all tabulations, computations and all other information required by it to carry into effect any of the provisions of this act, and shall make specific answers to all questions submitted by the commission.

(b) **Blanks.**—Every public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

(c) **Copies of Records.**—Whenever required by the commission, every public utility shall deliver to the commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers and records in its possession or in any way relating to its property or affecting its business and also a complete inventory of all its property in such form as the commission may direct.

(d) **Divulging Information.**—No information furnished to the commission by a public utility, except such matters as are specifically required to be open to public inspection by the provisions of this act, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor.

**§ 29. Reports.**—Every public utility shall annually furnish to the commission at such time and in such form as the commission may require a report in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have authority to require any public utility to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special reports concerning any matter about which the commission is

authorized by this or any other act to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the commission.

**§ 30. Compliance With Commission's Orders.**—Every public utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.

**§ 31. Powers of Commission.**—The railroad commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in the State and to do all things, whether herein specifically designated or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

**§ 32. Charges to be Fixed by Commission.**—(a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, tolls, rentals, charges or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, practices or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in anywise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges or classifications are insufficient, the commission shall determine the just, reasonable or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

(b) **Powers of Commission in Investigations.**—The commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts and practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or schedule or schedules, in lieu thereof.

**§ 33. Joint Rates and Through Routes on Common Carriers.**—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares or charges in force over two or more common carriers, between any two points in this State, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate, fare or charge exists between such points, and that the public convenience and necessity demand the establishment of a through

route and joint rate, fare or charge between such points, the commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare or charge which will be fair, just, reasonable and sufficient, to be followed, charged, enforced, demanded and collected in the future, and the terms and conditions under which such through route shall be operated. The commission may order that freight moving between such points shall be carried by the different common carriers, parties to such through route and joint rate, without being transferred from the originating cars. In case the common carriers do not agree upon the division between them of the joint rates, fares or charges established by the commissioner over such through routes, the commission shall, after hearing, by supplemental order, establish such division; provided, that where any railroad which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad shall have the right to require as its division of the joint rate, fare or charge its local rate, fare or charge over the portion of its line comprised in such through route, and the commission may, in its discretion, allow to such railroad more than its local rate, fare or charge whenever it will be equitable so to do. The commission shall have the power to establish and fix through routes and joint rates, fares or charges over common carriers and stage or auto stage lines and to fix the division of such joint rates, fares or charges.

**§ 34. Interstate Rates.**—The commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the commission, excessive or discriminatory or in violation of the act of Congress entitled "An act to regulate commerce," approved February 4th, 1887, and the acts amendatory thereof and supplementary thereto, or of any other act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

**§ 35. Service, Equipment, Facilities to be Fixed by the Commission.** Whenever the commission, after a hearing had upon its own motion or, upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, fur-

nished, constructed, enforced or employed, and shall fix the same by its order, rule or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

**§ 36. Power of Commission to Order Additions, Improvements, Changes.**—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If the commission orders the erection of a new structure, it may also fix the site thereof. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the commission has ordered to be erected, require joint action by two or more public utilities, the commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

**§ 37. Power of Commission to Order Changes in Time Schedules and Running of Additional Cars and Trains.**—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same

at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall have power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof, or to make any other order that the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

**§ 38. Track Connections.**—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the public convenience and necessity would be subserved by having connections made between the tracks of any two or more railroad or street railroad corporations, so that cars may readily be transferred from one to the other, at any of the points hereinafter in this section specified, the commission may order any two or more such corporations owning, controlling, operating or managing tracks of the same gauge to make physical connections at any and all crossings, and at all points where a railroad or street railroad shall begin or terminate or run near to any other railroad or street railroad. After the necessary franchise or permit has been secured from the city and county, or city or town, the commission may likewise order such physical connection, within such city and county, or city or town, between two or more railroads which enter the limits of the same. The commission shall by order direct whether the expense of the connections referred to in this section shall be borne jointly or otherwise.

**§ 39. Switch and Spur Connections—Interchange Switching to Industrial Tracks.**—(a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad corporation for a connection or spur as provided in section 25 of this act, and that the railroad corporation has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him under said section 25, the commission shall make an order requiring the providing of such connection or spur and the maintenance and use of the same upon reasonable terms which the commission shall have the power to prescribe. Whenever any such connection or spur has been so provided, any corporation or person shall be entitled to connect with the private track, tracks or railroad thereby connected with the railroad of the railroad corporation and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expense of such private track, tracks or railroad, or the connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the commission after notice to the interested parties and a hearing thereon; provided, that such connection and use can be made without unreasonable interference with the rights of the party or parties incurring such primary expense.

(b) **Power to Require Switching of Cars of Connecting Railroad.**—The commission shall likewise have the power to require one railroad corporation to switch to private spurs and industrial tracks upon its own railroad the cars of a connecting railroad corporation and to prescribe the terms and compensation for such service.

§ 40. **Physical Connections and Joint Rates—Telephone and Telegraph Corporations.**—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone corporations or two or more telegraph corporations whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city and county, or city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls, or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

§ 41. **Use of Joint Facilities.**—Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes, or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

**§ 42. Health and Safety—Safety Devices.**—The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to construct, maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling, to establish uniform or other standards of construction and equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

**§ 43. Grade Crossings.**—(a) No public road, highway or street shall hereafter be constructed across the track of any railroad corporation at grade, nor shall the track or any railroad corporation be constructed across a public road, highway or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having first secured the permission of the commission; provided, that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

(b) **Powers of Commission in Presenting Crossings.**—The commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each crossing of a public road or highway by a railroad or street railroad and of a street by a railroad or *vice versa*, subject to the provisions of section 2694 of the Political Code, so far as applicable, and to alter or abolish any such crossing, and to require where, in its judgment, it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the state, county, municipality or other public authority in interest.

**§ 44. Investigation of Accidents—Reports to Commission.**—The commission shall investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation,

resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable; provided, that neither the order or recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life, or injury to person or property, in this section referred to. Every public utility is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the commission may from time to time designate.

**§ 45. Power of Commission to Provide Rules for Expediting Traffic.**

(a) The commission shall have power to provide by proper rules and regulations the time within which all railroad corporations shall furnish, after demand therefor, all cars, equipment and facilities necessary for the handling of freight in carload and less than carload lots, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees or persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight-rooms, and to provide penalties to be paid for failure on the part of the railroad corporations, consignors and consignees to conform to such rules. Charges for demurrage shall be uniform so that the same penalty shall be paid by both shipper or consignee and railroad corporation for an equal number of cars for each day for which demurrage is charged.

(b) **Express and Telegraph Rules and Regulations.**—The commission shall also have power to provide the time within which express packages shall be received, gathered, transported and delivered at destination, and the limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge.

**§ 46. Power of Commission as to Service, etc., of Public Utilities.**—

(a) The commission shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity or service of any such public utility.



(b) **Right of Entry.**—The commissioners and their officers and employees shall have power to enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this act, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of such public utility shall have the right to be present at the making of such examinations and tests.

(c) **Testing Measurements—Fees.**—Any consumer or user of any product, commodity or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the commission.

§ 47. **Valuation of Property.**—The commission shall have power to ascertain the value of the property of every public utility in this State and every fact which in its judgment may or does have any bearing on such value. The commission shall have power to make revaluations from time to time and to ascertain all new construction, extensions and additions to the property of every public utility.

**Acquisition of Public Utility by Municipality.**—Any county, city and county, incorporated city or town or municipal water district may at any time file with the commission a petition setting forth the intention of said county, city and county, incorporated city or town or municipal water district to acquire under eminent domain proceedings, or otherwise, any existing public utility, and the lands, property and rights of any character whatsoever connected with such existing public utility, or any part or portion thereof. Said petition shall give a full and complete description of said public utility, lands, property and rights, or the parts or portions thereof it is so intended to acquire, and may pray that the commission fix and determine the just compensation which shall be paid by such county, city and county, incorporated city or town, or municipal water district, under the law, for said public utility and said lands, property and rights thereof, or the parts or portions thereof sought to be acquired. Or the legislative or other governing body of any such county, city and county, incorporated city or town, or municipal water district may file with the commission a petition setting forth its intention to initiate such proceedings as may be required under the law governing such county, city and county, incorporated city or town or municipal water district, for the purpose of submitting to the voters of said county, city and county, incorporated city or town, or municipal water district a proposition to acquire under eminent domain proceedings, or otherwise, any existing public

utility and the lands, property and rights of any character whatsoever connected with such existing public utility, or any parts or portions thereof. Such petition shall give a full and complete description of the said public utility, lands, property, rights, or the parts or portions thereof concerning which it is so intended to initiate said proceedings as above described. Upon either of such petitions being filed, the commission shall proceed to fix and determine the just compensation that should be paid to the owner of such public utility and the lands, property and rights thereof, or any such parts or portions thereof, in the manner and in accordance with the provisions of section 70 of this act. In the case of the petition first above described, within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, the said county, city and county, incorporated city or town or municipal water district must commence an action in a court of competent jurisdiction and in a manner in accordance with the provisions of law, to take under eminent domain proceedings said existing public utility and the lands, property and rights thereof or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by the said county, city and county, incorporated city or town, or municipal water district for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town or municipal water district shall not be required to delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70, before commencing such proceedings in eminent domain. In the case of a petition of said legislative, or other governing body of any county, city and county, incorporated city or town, or municipal water district, filed as above described, setting forth its intention to so initiate such proceedings for the purpose of so submitting a proposition to the voters of any such county, city and county, incorporated city or town or municipal water district, then within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such part or portion thereof, the said legislative or other governing body must so initiate such proceedings, unless there be obtained a writ of review from the supreme court of the State of California, in accordance with the provisions of section 70 hereof, and if said writ of review be so obtained the time for the initiation of such proceedings shall be extended to not more than sixty days beyond the final decision of the supreme court upon such writ of review. If the people of any such county, city and county,

incorporated city or town, or municipal water district, shall thereafter, as required by the law governing such county, city and county, incorporated city or town or municipal water district, vote in favor of any proposition to acquire under eminent domain proceedings or otherwise, said public utility, or the lands, property and rights thereof, or any such parts or portions thereof, then the said county, city and county, incorporated city or town, or municipal water district, shall, within sixty days after the people have so declared in favor of such acquisition, commence an action in a court of competent jurisdiction, and in a manner in accordance with the provisions of law, to take under eminent domain proceedings said existing utility and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by the said county, city and county, incorporated city or town or municipal water district for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town, or municipal water district shall not be required to delay for more than twenty days after the said commission shall have so certified its findings, in accordance with said section 70, before commencing such proceedings in eminent domain; provided, however, that in any case where the law governing any such county, city and county, incorporated city or town, or municipal water district permits such county, city and county, incorporated city or town, or municipal water district to commence and prosecute such proceedings in eminent domain prior to any such vote being had by the people, then the said county, city and county, incorporated city or town, or municipal water district whose legislative or other governing body has so filed such a petition with the commission, as above described, may, within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such part or portion thereof, commence an action in a court of competent jurisdiction and in a manner and in accordance with the provisions of law, to take under eminent domain proceedings said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by said county, city and county, incorporated city or town, or municipal water district for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof.

Said county, city and county, incorporated city or town, or municipal water district, shall not be required to delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70, before commencing such proceedings in eminent domain.

**Completion of Purchase.**—Whenever the owner of such existing public utility and such lands, property and rights thereof, or any such parts or portions thereof, shall file such a stipulation, the said county, city and county, incorporated city or town or municipal water district must proceed with all due diligence to provide the necessary funds under the laws governing the providing of such funds, for paying to the owner of such existing public utility and such lands, property and rights thereof or any such parts or portions thereof, the amount fixed by the commission as the just compensation to be paid. Upon such compensation being paid to the owner of said existing public utility or the lands, property and rights thereof, or any such parts or portions thereof, the owner thereof shall make and execute to the said county, city and county, incorporated city or town or municipal water district a deed of grant, bargain and sale conveying all of the right, title and interest such owner has in the existing public utility and lands, property and rights thereof, or any such parts or portions thereof whose value has been so fixed as herein provided. And in default of such deed the commission is hereby empowered to execute such deed, as the trustee of said public utility and lands, property and rights thereof, or any such parts or portions thereof. Should the owner of such existing public utility and the lands, property and rights thereof, or such parts or portions thereof, fail to file such a written stipulation as above, the said county, city and county, incorporated city or town or municipal water district must commence the action herein provided for within the time herein provided for. In such action the compensation fixed by the commission to be paid for such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall be deemed final and conclusive between the parties; and the court in which the action is pending, if it shall first decide that such county, city and county, incorporated city or town, or municipal water district has the right and power under the law to take the said existing public utility and the lands, property and rights thereof, or such parts or portions thereof, whose value has been so fixed as herein provided for, shall enter a decree in favor of the said county, city and county, incorporated city or town, or municipal water district, as provided by law, fixing the amount that shall be paid as the just compensation for the taking of such existing public utility and the lands, property and rights thereof, or any parts or portions thereof, as the amount fixed and determined by the commission. The judgment shall include a provision, in substance, that said judgment is subject to modification on account of any unreasonable depreciation or deterioration in value of the property taken, or on account of any loss which might be suffered by the owner of said public utility

through his being required to properly take care of said property, as is hereinafter more fully provided for. If between the date of the filing of any such petition and the payment of the compensation to the owner of the public utility, the owner of the public utility shall permit the property taken to unreasonably depreciate or deteriorate in value, the said county, city and county, incorporated city or town or municipal water district may file with the commission a petition setting forth that fact, and praying that the commission determine and fix the amount of said unreasonable depreciation or deterioration. The commission shall thereupon order a copy of said petition to be served upon the owner of said public utility with an order to within ten days appear before said commission and show cause why there should not be deducted from the amount of compensation to be paid an amount sufficient to cover said depreciation or deterioration. The commission shall on the day so fixed, unless for good cause the hearing is continued, proceed to ascertain whether there has been any such depreciation or deterioration, and if so, what amount should be deducted therefor from the compensation to be paid. Hearings shall be had in the same manner as provided in section 70 of this act. The commission shall thereupon certify to the court any amount which may be determined upon that should be so deducted from the compensation, and the court shall thereupon modify its judgment in order to conform with said ascertainment by said commission. If between the time when the judgment in condemnation has become final and the time of the payment of the compensation the owner of the public utility shall, in order to preserve the property, be required to suffer a loss, the said owner may file a petition with the commission setting forth this fact, and praying that the commission determine and fix the amount of the loss which the owner has so suffered. The commission shall thereupon order a copy of said petition to be served upon the said county, city and county, incorporated city or town or municipal water district, with an order to within ten days appear before said commission to show cause why there should not be paid, in addition to the amount of the judgment, an amount sufficient to compensate for the said loss. The commission shall on the day so fixed, unless for good cause the hearing is continued, proceed to ascertain whether there has been any such loss, and if so, how much. The hearing shall be conducted as provided in section 70 of this act. The commission shall thereupon certify to the court any amount of loss so determined upon, and the court shall thereupon modify its judgment in order to conform with said ascertainment by the commission. Said amount of loss which may be so required to be paid to the owner of said utility shall not be considered as compensation for the property taken, but shall be considered as damages awarded for the loss so sustained by the owner of the utility. And the filing of any such petition by the owner of the utility shall not act as a stay of the decree in condemnation, but upon the payment of the amount fixed in the original decree in condemnation, the plaintiff shall be entitled to immediate possession of the property taken. The

findings of the commission fixing the just compensation to be paid or the amount that should thus be deducted from the judgment on account of such unreasonable depreciation or deterioration, or that should thus be added to the judgment on account of said loss suffered, shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission. Said writ of review may be issued at the instance of either the owner of the public utility or of the said county, city and county, incorporated city or town, or municipal water district.

**Review.**—Should a writ of review be obtained from the supreme court of the State of California in accordance with the provisions of section 70 hereof, the time for the filing of such suit in eminent domain by the said county, city and county, incorporated city or town or municipal water district shall be extended to not more than sixty days beyond the final decision of the supreme court upon such writ of review; or, should said writ of review be obtained prior to the vote by the people of said county, city and county, incorporated city or town or municipal water district upon any such proposition, then said sixty days period to be extended to not longer than sixty days after such vote is had. If the said county, city and county, incorporated city or town or municipal water district or the legislative or other governing body thereof shall fail to file such suit or proceed diligently to enforce the rights herein conferred and in the manner herein set forth, then upon written petition from the owner of such existing public utility setting forth said fact, the commission shall cause a notice of not less than ten days to be given to said county, city and county, incorporated city or town or municipal water district to appear before said commission and show cause why an order should not be made by said commission, finding that the said county, city and county, incorporated city or town or municipal water district has failed to diligently pursue its rights hereby conferred, and determining that the findings of the said commission theretofore made as to the just compensation that should be paid for the existing public utility and the lands, property and rights thereof, or any such part or portion thereof, shall no longer be of any force or effect. And said notice shall include a copy of said written petition so filed by said owner of such existing public utility. If the commission shall determine that said county, city and county, incorporated city or town, or municipal water district, or the legislative or other governing body thereof, has so failed to either file such suit or to proceed diligently to enforce the rights herein conferred and in the manner herein set forth, the commission shall make and enter such an order as so petitioned for by the owner of such existing public utility. Should the supreme court, upon a writ of review being obtained, decide that in any manner the commission has not lawfully pursued its power hereby conferred or conferred in this act, the supreme court shall make its findings and refer the matter back to the commission for correction or further action. Upon such writ coming down to the commission it shall proceed, as in the first instance, to cor-

rect its findings in the manner specified in the writ of review. Any such county, city and county, incorporated city or town, or municipal water district must pay at such times in such amounts as may be directed by said railroad commission any extra costs which it might be necessary for said railroad commission to incur in order to comply with the requirements of this section. And the court, upon rendering any judgment in eminent domain, as herein provided for, may include therein the allowance of such costs as between the parties as is provided for in the law of eminent domain of this State. The rights herein conferred upon any county, city and county, incorporated city or town or municipal water district or upon the legislative, or other governing body thereof, to so file with the commission a petition for the ascertainment of the just compensation that should be so paid for any such existing public utility and lands, property and rights thereof, or any such part or portion thereof, shall not be considered as an exclusive mode of procedure, but shall be considered as an alternative and cumulative procedure which may be followed by such county, city and county, incorporated city or town or municipal water district or the legislative or other governing body thereof, in addition to any other method of procedure provided for in law for the taking by said county, city and county, incorporated city or town, or municipal water district, of any such public utility or lands, property and rights thereof, or any such part or portion thereof, under eminent domain proceedings, in accordance with the law of this state; and this act shall not be construed as repealing any law of this state providing for such eminent domain proceedings.

**§ 48. Uniform System of Accounts—Access to Accounts, etc.**—The commission shall have power to establish a system of accounts to be kept by the public utilities subject to its jurisdiction, or to classify said public utilities and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also in its discretion prescribe the forms of accounts, records and memoranda to be kept by such public utilities, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys, and any other forms, records and memoranda which in the judgment of the commission may be necessary to carry out any of the provisions of this act. The system of accounts established by the commission and the forms of accounts, records and memoranda prescribed by it shall not be inconsistent, in the case of corporations subject to the provisions of the act of Congress entitled "An act to regulate commerce," approved February 4th, 1887, and the acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the interstate commerce commission, but nothing herein contained shall affect the power of the commission to prescribe forms of accounts, records and memoranda covering information in addition to that required by the interstate commerce commission. The commission may, after hearing, had upon its own motion or upon complaint, prescribe by

order the accounts in which particular outlays and receipts shall be entered, charged or credited. Where the commission has prescribed the forms of accounts, records or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other State or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed by the commission.

**§ 49. Depreciation Accounts.**—The commission shall have power, after hearing, to require any or all public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the commission may prescribe. The commission may, from time to time, ascertain and determine and by order fix the proper and adequate rates of depreciation of the several classes of property of each public utility. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the moneys so provided for out of earnings and carry the same in a depreciation fund and expend such fund only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement as the commission may prescribe. The income from investments of moneys in such fund shall likewise be carried in such fund.

**§ 50. New Construction.**—(a) No street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant or system, or of any extension of such street railroad, or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city and county or city or town, contiguous to its street railroad, or line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; and provided, further, that if any public utility, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable.

(b) **Franchises and Privileges—Certificate of Public Convenience.**—No public utility of a class specified in subsection (a) hereof



shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; provided, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; and provided, further, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

(c) **Proceedings on Application for Certificate.**—Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the commission shall thereupon issue such certificate.

**§ 51. Transfer of Property, Franchises, etc.**—(a) No railroad corporation, street railroad corporation, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its railroad,

street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant or system, or franchises or permits or any part thereof, with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section 50 of this act, or the sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

(b) **Acquisition and Transfer of Stock.**—No public utility shall hereafter purchase or acquire, take or hold, any part of the capital stock of any other public utility, organized or existing under or by virtue of the laws of this State, without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect, and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

§ 52. **Approval of Stocks and Stock Certificates, and Bonds, Notes and Other Evidence of Indebtedness.**—(a) The power of public utilities to issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this State is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the State, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

(b) **Conditions of Issue of Stock, Bonds and Notes.**—A public utility may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construc-

tion, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made; provided, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may authorize issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public utility corporation, and the provisions of sections 309 and 456 of the Civil Code of this State, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public utility corporations. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act

or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

(c) **Accounting for Proceeds.**—The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

(d) **Unauthorized Issues.**—All stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

(e) **Penalty.**—Every public utility which, directly or indirectly, issues or causes to be issued, any stock or stock certificate, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the Constitution of this state, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purpose, is subject to a penalty of not less than five hundred dollars nor more than twenty thousand dollars for each offense.

(f) **Penalty.**—Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, aids in, issues or

executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the Constitution of this state, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony.

**(g) No Guaranty by State.**—No provision of this act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of California to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act.

**(h) Unauthorized Issues Void.**—All stocks and stock certificates, and bonds, notes and other evidences of indebtedness issued by any public utility after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of this act, shall be void, unless an order of the commission authorizing the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness shall have been obtained from the commission prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

**§ 53. Rules for Hearing—Informalities.**—All hearings and investigations before the commission or any commissioner shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission

nor any commissioner shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission.

**§ 54. Powers of Commission as to Process—Service.**—The commission and each commissioner shall have power to issue writs of summons, subpoenas, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in the like manner and to the same extent as courts of record. The process issued by the commission, or any commissioner, shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the commission or a commissioner. The person executing any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for payment of the fees of witnesses.

**§ 55. Witnesses—Attendance and Fees.**—(a) The commission and each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State. Each witness who shall appear, by order of the commission or a commissioner, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commission, his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioner, as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation.

(b) **Refusal to Testify.**—The Superior Court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission or any commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including waybills, books.

accounts and documents, as required by any subpoena issued by the commission or any commissioner. The commission or the commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or commissioner, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission or such commissioner, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or a commissioner, the court shall thereupon enter an order that said witness appear before the commission or said commissioner at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this subsection is cumulative, and shall not be construed to impair or interfere with the power of the commission or a commissioner to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

(c) **Depositions.**—The commission or any commissioner or any party may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Courts of this State and to that end may compel the attendance of witnesses and the production of books, waybills, documents, papers and accounts.

(d) **Incrimination.**—No person shall be excused from testifying or from producing any book, waybill, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any fact, transaction,

matter or thing concerning which he shall, under oath have testified or produced documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment from any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind.

**§ 56. Certified Copies of Papers Filed to be Evidence.**—(a) Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary or the assistant secretary under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

(b) **Recording Copies.**—Every order, authorization or certificate issued or approved by the commission under any provision of sections 38, 39, 40, 41, 43, 50, 51, or 52 of this act shall be in writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary or the assistant secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

**§ 57. Fees.**—The commission shall charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, notes or other evidences of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of twenty-five dollars; provided, that no fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge or retire any bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission; and provided, further, that if the commission modifies the amount



of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the State to the credit of a fund to be known as the "Railroad Commission Fund," which fund is hereby created.

**§ 58. Inspection of Books, Papers and Documents.**—The commission, each commissioner and each officer and person employed by the commission shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public utility, and the commission, each commissioner and any officer of the commission or any employee authorized to administer oaths shall have power to examine under oath any officer, agent or employee of such public utility in relation to the business and affairs of said public utility; provided, that any person other than a commissioner or an officer of the commission demanding such inspection shall produce under the hand and seal of the commission his authority to make such inspection; and provided, further, that written record of the testimony or statement so given under oath shall be made and filed with the commission.

**§ 59. Office, Books and Records Within the State.**—(a) Each public utility shall have an office in a county of this State in which its property or some portion thereof is located and shall keep in said office all such books, accounts, papers and records as shall be required by the commission to be kept within this State. No books, accounts, papers or records required by the commission to be kept within this State shall be at any time removed from the State except upon such conditions as may be prescribed by the commission.

(b) **Production of Books and Records Kept Outside the State.**—The commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this State at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without this State, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the commission or under its direction.

**§ 60. Complaints.**—Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed

by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers or prospective consumers or purchasers, of such gas, electricity, water or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the corporation or person complained of. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure of this State, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. The commission shall fix the time when and place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that public necessity requires that such hearing be held at an earlier date.

**§ 61. Hearings, Orders and Record—Recovery on Decision.—(a)** At the time fixed for any hearing before the commission or a commissioner, or the time to which the same may have been continued, the complainant and the corporation or person complained of, and such corporations or persons as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing, the commission shall make and file its order, containing its decision. A copy of such order, certified under the seal of the commission, shall be served upon the corporation or person complained of, or his or its attorney. Said order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission. If an order cannot, in the judgment of the commission, be complied with within twenty days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order,

and may on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission or any commissioner on any formal hearing had, and all testimony shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and of the pleadings, record and proceedings in the cause, shall constitute the record of the commission; provided, that on review of an order or decision of the commission, the petitioner and the commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the supreme court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

**§ 62. Public Utility may Complain.**—Any public utility shall have a right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint may be heard *ex parte* by the commission or may be served upon any parties designated by the commission.

**§ 63. Increases in Rates.**—(a) No public utility shall raise any rate, fare, toll, rental, or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under any circumstances whatsoever, except upon a showing before the commission and a finding by the commission that such increase is justified.

(b) **Hearing and Suspension of Rates.**—Whenever there shall be filed with the commission any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, not increasing or resulting in an increase in any rate, fare, toll, rental or charge, the commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; provided, that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred and twenty days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the commission, in its discretion, extends the period of suspension for a further period not

exceeding six months. On such hearing the commission shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the commission, or of such lesser time as the commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided; to alter or modify the same.

**§ 64. Commission may Change Orders and Decisions.**—The commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.

**§ 65. Orders and Decisions Conclusive in Collateral Proceedings.**—In all collateral actions or proceedings, the orders and decisions of the commission which have become final shall be conclusive.

**§ 66. Rehearings.**—After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful. No corporation or person shall in any court urge or rely on any ground not so set forth in said application. Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the

order involved, the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order or decision made after such rehearing abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

**§ 67. Review.**—Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the Supreme Court of this State for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the Supreme Court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of California. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the Supreme Court shall enter judgment either affirming or setting aside the order or decision of the commission. The provisions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with the provisions of this act,

apply to proceedings instituted in the Supreme Court under the provisions of this section. No court of this State (except the Supreme Court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, that the writ of mandamus shall lie from the Supreme Court to the commission in all proper cases.

**§ 68. Suspension of Commission's Orders.**—(a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the commission, but during the pendency of such writ, the Supreme Court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order or decision.

(b) **Notice and Hearing.**—No order so staying or suspending an order or decision of the commission shall be made by the Supreme Court otherwise than upon three days' notice and after hearing, and if the order or decision of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

(c) **Suspending Bond.**—In case the order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the Supreme Court), payable to the people of the State of California, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity or service in excess of the charges fixed by the order or decision of the commission, in case said order or decision is sustained. The Supreme Court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges or classifications, shall also by order direct the public utility affected to pay into court, from time to time, there to be impounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the order or decision of the commission had not been stayed or suspended.

(d) **Accounting for Overcharges Pending Review.**—In case the Supreme Court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge or classification, the commission, upon the execution and approval of said suspending bond, shall forthwith

require the public utility affected, under penalty of the immediate enforcement of the order or decision of the commission (pending the review and notwithstanding the suspending order), to keep such accounts, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by such public utility, pending the review, in excess of the charges allowed by the order or decision of the commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the charges made by the public utility, pending the review, be not sustained by the Supreme Court. The court may, from time to time, require said party petitioning for a review to give additional security on, or to increase the said suspending bond, whenever in the opinion of the court the same may be necessary to insure the prompt payment of said damages and said overcharges. Upon the final decision by the Supreme Court, all moneys which the public utility may have collected, pending the appeal in excess of those authorized by such final decision, together with interest, in case the court ordered the deposit of such moneys in a bank or trust company, shall be promptly paid to the corporations or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the commission. If any such moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the Supreme Court, the commission shall cause notice to such corporations or persons to be given by publication, once a week for two successive weeks, in a newspaper of general circulation, printed and published in the city and county of San Francisco, and such other newspaper or newspapers as may be designated by the commission, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person. All moneys not claimed within three months after the publication of said notice shall be paid by the public utility, under the direction of the commission, into the State treasury for the benefit of the general fund.

**§ 69. Court Proceedings—Preference.**—All actions and proceedings under this act, and all actions or proceedings to which the commission or the people of the State of California may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the commission in any action or proceeding in which he may be allowed to intervene.

**§ 70. Physical Valuation—Procedure.**—For the purpose of ascertaining the matters and things specified in section 47 of this act, concerning the value of the property of public utilities, the commission may cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before any hearing

is had, the commission shall give the public utility affected thereby at least thirty days' written notice, specifying the time and place of such hearing, and such notice shall be sufficient to authorize the commission to inquire into the matters designated in this section and in said section 47 of this act, but this provision shall not prevent the commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The commission is empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission. The commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility affected. Such findings shall be subject to review by the Supreme Court of this state in the same manner and within the same time as other orders and decisions of the commission. The findings of the commission so made and filed, when properly certified under the seal of the commission, shall be admissible in evidence in any action, proceeding or hearing before the commission or any court, in which the commission, the State or any officer, department or institution thereof, or any county, city and county, municipality or other body politic and the public utility affected may be interested whether arising under the provisions of this act or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated as of the date therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The commission may from time to time cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions or extensions made by any public utility subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and findings; provided, that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

**§ 71. Excessive or Discriminatory Charges — Reparation.**—(a) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an



excessive or discriminatory amount for such product, commodity or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; provided, no discrimination will result from such reparation.

(b) **Compliance With Reparation Order.**—If the public utility does not comply with the order for the payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey an order or decision of the commission.

§ 72. **Commission shall Enforce Laws.**—It is hereby made the duty of the commission to see that the provisions of the Constitution and statutes of this State affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the State therefor recovered and collected, and to this end it may sue in the name of the people of the State of California. Upon the request of the commission, it shall be the duty of the attorney general or the district attorney of the proper county or city and county to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the Constitution and statutes of this State affecting public utilities and for the punishment of all violations thereof.

§ 73. **Public Utilities Liable for Damages.**—(a) In case any public utility shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the Constitution, any law of this State or any order or decision of the commission, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was willful, the court may in addition to the actual damages award damages for the sake of example and by way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

(b) No recovery as in this section provided shall in any manner effect a recovery by the State of the penalties in this act provided or the exercise by the commission of its power to punish for contempt.

§ 74. **Effect of Act on Release of Damages.**—(a) This act shall not have the effect to release or waive any right of action by the State, the commission, or any person or corporation for any right, penalty

or forfeiture which may have arisen or accrued or may hereafter arise or accrue under any law of this State.

(b) **Penalties Cumulative.**—All penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility, or any officer, director, agent or employee thereof, or any other corporation or person, or be a bar to the exercise by the commission of its power to punish for contempt.

§ 75. **Summary Proceedings.**—Whenever the commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, direction or requirement of the commission, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order, decision, rule, direction or requirement of the commission, it shall direct the attorney of the commission to commence an action or proceeding in the Superior Court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides, in the name of the people of the State of California, for the purpose of having such violations or threatened violations stopped and prevented, either by *mandamus* or injunction. The attorney of the commission shall thereupon begin such action or proceeding by petition to such Superior Court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of *mandamus* or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of *mandamus* or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the Supreme Court from such final judgment in the same manner and with the same effect, subject to the provisions of this act, as appeals are taken from judgments of the Superior Court in other actions for *mandamus* or injunction.

§ 76. **Penalties, Violations by Public Utilities.**—(a) Any public utility which violates or fails to comply with any provision of the Constitution of this State or of this act, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule,

direction, demand or requirement or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such public utility, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

(b) **Each Day a Separate Offense.**—Every violation of the provisions of this act or of any order, decision, decree, rule, direction, demand or requirement of the commission, or any part or portion thereof by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) **Act of Officer is Act of the Public Utility.**—In construing and enforcing the provisions of this act relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility.

**§ 77. Penalties, Violations by Officers, Agents or Employees of Public Utilities.**—Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation of any public utility of any provision of the Constitution of this State or of this act, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the commission, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule, direction, demand or requirement, or any part or provision thereof in a case in which a penalty has not hereinbefore been provided for such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

**§ 78. Penalties, Violations by Corporations Other Than Public Utilities.**—Every corporation, other than a public utility, which violates any provision of this act, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such corporation, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

**§ 79. Penalties, Violations by Persons Other Than Officers, etc., of Public Utilities.**—Every person who, either individually, or acting as an officer, agent or employee of a corporation other than a public utility, violates any provision of this act, or fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the commission, or who procures, aids or abets any such public utility in its violation of this act, or in its failure to obey, observe or comply with any such order,

decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person, is guilty of a misdemeanor, and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

**§ 80. Suits for Penalties.**—Actions to recover penalties under this act shall be brought in the name of the people of the State of California, in the Superior Court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action, together with the costs thereof, shall be paid into the State treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order.

**§ 81. Contempt Proceedings.**—Every public utility, corporation or person which shall fail to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the commission or any commissioner shall be in contempt of the commission, and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this act, but shall be cumulative and in addition to such other remedy or remedies.

**§ 82. Effect of Act on Existing Powers of Any City and County, or Incorporated City or Town.**—This act shall not affect such powers of control over any public utility vested in any city and county or incorporated city or town as, at an election to be held pursuant to laws to be hereafter passed by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired in such city and county or incorporated city or town; but if the vote so taken shall not favor the continuation of such powers, they shall thereafter vest in the commission; provided, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by a vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the commission, it may, by like vote, thereafter reinvest itself with such power.

**§ 83. Effect of Act on Pending Actions and Proceedings.**—(a) This act shall not affect pending actions or proceedings brought by or against the people of the State of California or the commission, or by any other person or corporation under the provisions of chapters 20 or 386 of the Laws of 1911, but the same may be prosecuted and defended with the same effect as though this act had not been passed. Any investigation, hearing, or examination undertaken, commenced, instituted or prosecuted prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this act. All proceedings hitherto taken by the commission in any such investigation, hearing or examination are hereby ratified, approved, validated and confirmed and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted, and prosecuted under the provisions of this act and in the manner herein prescribed.

(b) **No Cause of Action to Abate.**—No cause of action arising under the provisions of chapters 20 or 386 of the Laws of 1911 shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of the taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though said chapters had not been repealed.

(c) **Rules Continued in Force.**—All orders, decisions, rules or regulations heretofore made, issued or promulgated by the commission shall continue in force and have the same effect as though they had been lawfully made, issued or promulgated under the provisions of this act.

(d) **Construction.**—This act, in so far as it embraces the same subject matter, shall be construed as a continuation of chapter 20 of the Laws of 1911, approved February 10, 1911, and chapter 386 of the Laws of 1911, approved April 6, 1911.

**§ 84. Constitutionality.**—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**§ 85. Interstate Commerce.**—Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several States of this Union, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress.

**§ 86. Appropriation.**—All moneys which are paid into the State treasury by the commission under the provisions of section 57 of this

act, and credited to the railroad commission fund, are hereby appropriated, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed to draw his warrant on said fund from time to time in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

§ 87. **Repeal.**—The railroad commission act, approved February 10, 1911, and the act entitled "An act to amend the railroad commission act by amending section fifteen thereof relating to powers and duties of the railroad commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 88. **Time of Effect.**—This act shall take effect ninety days after the final adjournment of this session of the legislature.

## WATER COMPANIES ACT.

(Approved April 30, 1913.)

- § 1. A public utility subject to control by railroad commission.
- § 2. Mutual company not a public utility.
- § 3. When a mutual company becomes a public utility.
- § 4. Regulation of utility.
- § 5. Limiting sale of water.
- § 6. Powers of railroad commission.
- § 7. Defining language of section 1.

§ 1. **A Public Utility Subject to Control by Railroad Commission.**—Whenever any person, firm or private corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system within this State, sells, leases, rents or delivers water to any person, firm, private corporation, municipality or any other political subdivision of the State whatsoever, except as limited by section 2 hereof, whether under contract or otherwise, such person, firm or private corporation is a public utility, and subject to the provisions of the public utilities act of this State and the jurisdiction, control and regulation of the railroad commission of the State of California.

§ 2. **Mutual Company not a Public Utility.**—Whenever any private corporation or association is organized for the purpose solely of delivering water to its stockholders or members at cost, and delivers water to no one except its stockholders or members at cost, such private corporation or association is not a public utility, and is not subject to the jurisdiction, control or regulation of the railroad commission of the State of California.

§ 3. **When a Mutual Company Becomes a Public Utility.**—Whenever any private corporation or association organized for the purpose

of delivering water solely to its stockholders or members at cost does deliver water to others than its stockholders or members for compensation, such private corporation or association becomes a public utility and subject to the terms of the public utilities act and the jurisdiction, control and regulation of the railroad commission of the State of California.

**§ 4. Regulation of Utility.**—Whenever any private corporation or association is organized both for the purpose of delivering water to its stockholders or members at cost and to persons, firms, corporations, municipalities or other political subdivisions of the State in addition thereto, such private corporation or association is a public utility and subject to the provisions of the public utilities act and to the jurisdiction, control and regulation of the railroad commission of the State of California.

**§ 5. Limiting Sale of Water.**—Whenever the railroad commission, after a hearing had upon its own motion or upon complaint, shall find that any water company which is a public utility operating within this State has reached the limit of its capacity to supply water and that no further consumers of water can be supplied from the system of such utility without injuriously withdrawing the supply wholly or in part from those who have theretofore been supplied by such corporation, the railroad commission may order and require that no such corporation shall furnish water to any new or additional consumers until such order is vacated or modified by the said commission. The commission shall likewise have the power after hearing upon its own motion or upon complaint, to require any such water company to allow additional consumers to be served when it shall appear that to supply such additional consumers will not injuriously withdraw the supply wholly or in part from those who theretofore had been supplied by such public utility.

**§ 6. Powers of Railroad Commission.**—The railroad commission shall have the power to require any and all water corporations to file with the commission a statement in writing defining and describing the lands and territory to be supplied by such corporation with water, and when such territory is described and defined in the articles of incorporation of any such corporation or in the places of designated use in the notices of appropriation under which the rights of such corporation to appropriated water are initiated in accordance with section 1415 of the Civil Code, and it shall appear either from said statement filed by such water corporation or from said articles of incorporation or said notices of appropriation that such water corporation has undertaken to supply more consumers or a greater number of acres than it can adequately supply, the commission may require such corporation to limit the number of consumers or acres of land which it has undertaken to supply or which is set out in its articles of incorporation or notices of appropriation to such a limited number of consumers or acres of land as the commission shall find, after hearing, such water corporation may adequately supply. This provision does

not apply to territory or consumers which have once been served by said corporation, and as between consumers who have been voluntarily admitted to participate by the corporation in its supply of water or been required to be supplied by an order of the railroad commission, in times of shortage there shall be no priority or preference, and such corporation in times of shortage shall be required to apportion such supply ratably among its consumers.

§ 7. **Defining Language of Section 1.**—The language in section 1 of this act "whether under contract or otherwise" shall not be construed as authorizing a contract by a person or corporation defined herein as a public utility which shall in anywise deprive the State or the railroad commission or other competent authority of power to regulate the rates and service of any such public utility.

## **FULL CREW ACT.**

(Approved May 27, 1913.)

- § 1. Title of act, full crew on all trains—Passenger trains.
- § 2. Main crew—Freight trains.
- § 3. Wrecking train crew.
- § 4. Previous service of employees.
- § 5. Violations—Misdemeanor.
- § 6. Train crews during strikes or walkouts.
- § 7. Gasoline and electric train crews.

§ 1. **Title of Act, Full Crew on All Trains—Passenger Trains.**—It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this State to run or permit to be run, any passenger, mail or express train propelled or drawn by steam, electricity or other motive power that has not at least the following named employees thereon: one engineer, and one fireman for each steam locomotive where such train is propelled or drawn by steam, one electric motorman for each train where such train is propelled or run by electricity, and one motor or power control man for every train where said train is propelled by other motive power than steam or electricity, one conductor, one brakeman, one baggageman; provided, that upon any such train upon which baggage is not hauled and on gasoline motor cars, a baggageman need not be employed; provided, further, that on any such train where four cars exclusive of railroad officers' private cars, or more than four cars are hauled, exclusive of railroad officers' private cars, two brakemen instead of one shall be employed.

§ 2. **Main Crew—Freight Trains.**—It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this state to run or permit to be run on any main track or branch line operating by it any freight or work train propelled by steam, electricity, or other motive power



that has not at least the following employees thereon: one engineer and one fireman for each steam locomotive where such train is propelled or drawn by steam, one motorman for each train where such train is propelled or run by electricity, and one motor or power control man for every train where such train is propelled by motive power other than steam or electricity, one conductor and two brakemen; provided, that on any such train running on any track which attains a grade of one per cent or less than one per cent, for a distance of more than one-half mile, there shall be three brakemen for fifty cars, four brakemen for seventy-six cars and an additional brakeman for every additional twenty-five cars; provided, further, that on any such train running on any track which attains a grade of more than one per cent and less than one and one-half per cent, for a distance of more than one-half mile, there shall be three brakemen for fifty cars, and an additional brakeman for every twenty-five cars or fraction of twenty-five greater than twelve cars; provided, further, that any such train running on a track which attains a grade of more than one and one-half per cent, for a distance of more than one-half mile, there shall be three brakemen for fifty cars and an additional brakeman for every fifteen cars or fraction of fifteen greater than seven cars.

**§ 3. Wrecking Train Crew.**—It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this State, to run or permit to be run any train propelled or drawn by steam, electricity or other motive power other than those trains described in sections 1 and 2 of this act that have not at least the following named employees thereon: one engineer and one fireman for each steam locomotive where such train is propelled by steam, one motorman for every train where such train is propelled or drawn by electricity and one motor or power control man for each train propelled by other motive power than steam or electricity, one conductor and one brakeman; provided, that nothing in this act contained shall apply to a locomotive or locomotives without cars; nor to any relief or wrecking train in any case where a sufficient number of employees to comply with this section are not available for service on such relief or wrecking train.

**§ 4. Previous Service of Employees.**—It shall be unlawful for any such common carrier to employ any person as a steam locomotive engineer who shall not have had at least three years' actual service as a steam locomotive fireman or one year's actual service as a steam locomotive engineer, or to employ any person as a conductor who shall not have had at least two years' actual service as a railroad brakeman on steam or electric railroad other than street railway, or one year's actual service as a railroad conductor, or to employ any person as a brakeman who shall not have passed the regular examination required by transcontinental railroads; provided, that nothing in this act contained shall apply to the running or operating of locomotives or motor power cars to and from trains at terminals by hostlers or to the running or operating of steam locomotives or motive power cars to and

from engine-houses or to the doing of work on steam locomotives or motive power cars at shops or engine-houses.

§ 5. **Violations—Misdemeanor.**—Any violation of this act shall be a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

§ 6. **Train Crews During Strikes or Walkouts.**—Nothing in this act contained shall apply to the operation of any train by said common carrier during times of strikes or walkouts, participated in by any of the hereinbefore mentioned employees of such common carriers.

§ 7. **Gasoline and Electric Train Crews.**—Nothing contained in this act shall be construed or be held to apply to gasoline motor cars operated exclusively on branch lines nor to trains of less than three cars propelled by electricity.

## HEADLIGHT ACT.

(Approved June 4, 1913.)

- § 1. Time in which headlights must be installed.
- § 2. Penalty for violation of act.
- § 3. Repeal.

§ 1. **Time in Which Headlights must be Installed.**—It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any line of railroad in this state, within six months after the passing of this act, or within such additional time as may be prescribed by order of the railroad commission of California, after such railroad has made a proper showing of its inability to comply therewith, to equip all locomotive engines, used in the transportation of trains over said railroad, with electric or other headlights which will project sufficient light to enable the locomotive engineer to observe clearly a dark object the size of an average man, at a distance of not less than eight hundred feet on a dark, clear night while his train is running at a rate of speed not less than thirty miles per hour; provided, that this act shall not apply to locomotive engines regularly used in the switching of cars or trains; provided, further, that this act shall not apply to locomotive engines used exclusively between sunup and sundown, nor going to or from repair shops when ordered in for repairs, nor to locomotive engines used on short lines or local lines where in the judgment of the railroad commission, the headlight herein provided for is not necessary for the preservation of public safety.

§ 2. **Penalty for Violation of Act.**—Any railroad company, or receiver or lessee thereof, doing business in the State of California, who shall violate the provisions of this act, shall be liable to the State of California for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense; and suit shall be brought to recover such penalty in a court of competent jurisdiction, in the name of the people of the State of California, by the Attorney

General or by the district attorney of any county in or through which said railroad may be operated.

§ 3. **Repeal.**—All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

## PIPE-LINE ACT.

(Approved June 4, 1913.)

- § 1. Defining pipe-lines.
- § 2. Defining unfair practice.
- § 3. Defining unreasonable contracts, etc.
- § 4. Defining "unreasonable."
- § 5. Penalty for violation.
- § 6. Duty of Superior Court to prevent violation of act.
- § 7. Damages for injury to business by reason of violation of act.
- § 8. Definition of "person."
- § 9. Definition of "common carrier railroad."
- § 10. Definition of "oil pipe-line."
- § 11. Definition of term "oil pipe-line."
- § 12. Permission to become common carrier.
- § 13. Permit to procure license.
- § 14. Issuance of license—License fee.
- § 15. Monthly report of oil pumped through pipe-line.
- § 16. Examination of reports—Penalty.
- § 17. Penalty for violation of act by employees.
- § 18. Failure to pay license fee.
- § 19. License fee a lien on property.
- § 20. Exemption from monthly license fee.
- § 21. Validity of entire act not affected by unconstitutionality of part of act.

§ 1. **Defining Pipe-lines.**—Any and every contract, combination in form of trust or otherwise, or arrangement of any kind, implied, tacit or otherwise, or conspiracy between a common carrier railroad which is equipped for the transportation of crude oil, petroleum or the products thereof, or which has filed, or may lawfully be required to file, a schedule of rates with the railroad commission of California for such transportation, and which operates from or through any crude oil or petroleum producing field or fields or shipping points in the vicinity of any thereof, in the State of California, for a distance of thirty-five miles or more in the aggregate, either continuously or otherwise, to any refinery or refineries of crude oil or petroleum or any of the products thereof, or to or through any selling, marketing, consuming or shipping points or the vicinity of any thereof, for such crude oil or petroleum or any of the products thereof, and any oil pipe-line which is used or operated for the transportation of crude oil or petroleum or any of the products thereof, otherwise than as a common carrier, from or through the same, or any of the same oil or petroleum producing fields or shipping points or from the vicinity of any thereof, for a distance of thirty-five miles or more in the aggregate, either

continuously or otherwise, and to or through the same, or any of the same refining, selling, marketing or reshipping points or the vicinity of any thereof, and which last-mentioned transportation is accomplished in whole or in part by such oil pipe-line, and whereby such oil pipe-line secures, or is enabled to secure, or attempts to secure, or tends to secure any unreasonable control or monopoly of the purchase, sale or transportation of such crude oil, petroleum or any of the products thereof, or is enabled to secure, or attempts to secure any unreasonable restraint on or over competition or trade in the purchase, sale or transportation of such crude oil, petroleum or of any of the products thereof, is hereby declared to be illegal.

**§ 2. Defining Unfair Practice.**—In any and every action or proceeding under this act, whenever it shall appear to the court that any contract, combination, arrangement or conspiracy such as is described in section 1 hereof, exists, or that at the time of the commencement of such action or proceeding it did exist; and it further appears to such court that such oil pipe-line is constructed, in whole or in part, upon, over, under or along the right of way of such common carrier railroad, continuously or otherwise, for a distance of five or more miles in the aggregate, with the permission, allowance or consent, actual, implied or otherwise, of such common carrier railroad, and that said oil pipe-line is owned or controlled, either directly or indirectly, by said common carrier railroad, or that such oil pipe-line and such common carrier railroad have any common or interlocking owner or owners, or director or directors; and it further appears that said oil pipe-line is engaged in the business of purchasing, transporting and reselling such crude oil, petroleum or any thereof, or any of the products thereof, or of purchasing and transporting the same, or any thereof, or of purchasing, transporting and refining the same, or any thereof, for sale, or of producing, transporting and reselling the same, or any thereof, or of producing, transporting and refining the same for sale from its own or leased ground, or otherwise, or of producing and transporting the same, or any thereof; and it further appears that the schedule of rates, or any of them, for the transportation of such crude oil, petroleum or any of the products thereof, filed by said common carrier railroad with the railroad commission of California, or that the rates, or any of them, published, fixed or charged by such common carrier railroad for such transportation of the same, or any of the same, are sufficiently high as compared with the actual cost of transportation between the same, or approximately or practically the same initial shipping, and the refining, selling, marketing, reshipping or terminal points, by such oil pipe-line, as to tend to prevent the transportation of such crude oil, petroleum or any of the products thereof, over or upon such common carrier railroad, or to tend to prevent competition in such transportation between such common carrier railroad and such oil pipe-line, or to restrain such competition, or to tend to restrain competition among the producers of such crude oil, petroleum or any of the products thereof in the sale thereof, or of any of the same, or to tend to enable such oil pipe-line, either alone or

in conjunction with other oil pipe-lines, to restrain competition in the sale or the purchase of such crude oil, petroleum or the products thereof, either among the producers or the consumers thereof, or to tend to enable such oil pipe-line, either alone or in conjunction with other pipe-lines, to secure the control or the monopoly of the purchase of such crude oil, petroleum or the products thereof, or to fix the selling price of any thereof at the oil fields or points of production of the same, or at the shipping points or at the vicinity of any thereof, or to secure the control or the monopoly of the transportation of such crude oil, petroleum or the products thereof from such oil fields or points of production, or from the shipping points or from the vicinity of any thereof, to such refining, selling or marketing points, or any thereof, then such contract, combination, arrangement or conspiracy is hereby declared to be an unfair practice, contrary to the public policy of the State of California, and the same shall and must be deemed by such court in all such actions or proceedings to be an unreasonable contract, combination, arrangement or conspiracy, in restraint of trade, and an unreasonable control or monopoly of the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and an unreasonable restraint on or over competition and trade in the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and the same shall and must be deemed illegal.

**§ 3. Defining Unreasonable Contracts, etc.**—In any and every action or proceeding under this act, whenever it shall appear to the court that any contract, combination, arrangement or conspiracy such as is described in section 1 hereof, exists, or that at the time of the commencement of such action or proceeding it did exist, and it further appears to such court that such oil pipe-line is constructed, in whole or in part, upon, over, under or along the right of way of such common carrier railroad, continuously or otherwise, for a distance of five or more miles in the aggregate, with the permission, allowance or consent, actual, implied or otherwise, of such common carrier railroad, and it appears that said oil pipe-line is engaged in the business of purchasing, transporting and reselling such crude oil, petroleum or any thereof, or any of the products thereof, or of purchasing and transporting the same, or any thereof, or of purchasing, transporting and refining the same, or any thereof, for sale, or of producing, transporting and reselling the same or any thereof, or of producing, transporting and refining the same for sale from its own or leased ground, or otherwise, or of producing and transporting the same, or any thereof; and it further appears that the schedule of rates, or any of them, for the transportation of such crude oil, petroleum or any of the products thereof, filed by said common carrier railroad with the railroad commission of California, or that the rates, or any of them, published, fixed or charged by such common carrier railroad for such transportation of the same, or any of the same, are sufficiently high as compared with the actual cost of transportation between the same, or approximately or practically the same initial shipping, and the re-

fining, selling, marketing, reshipping or terminal points, by such oil pipe-line, as to tend to prevent the transportation of such crude oil, petroleum or any of the products thereof, over or upon such common carrier railroad, or to tend to prevent competition in such transportation between such common carrier railroad and such oil pipe-line, or to restrain such competition, or to tend to restrain competition among the producers of such crude oil, petroleum or any of the products thereof in the sale thereof, or of any of the same, or to tend to enable such oil pipe-line, either alone or in conjunction with other oil pipe-lines, to restrain competition in the sale or the purchase of such crude oil, petroleum or the products thereof, either among the producers or the consumers thereof, or to tend to enable such oil pipe-line, either alone or in conjunction with other pipe-lines, to secure the control or the monopoly of the purchase of such crude oil, petroleum or the products thereof, or to fix the selling price of any thereof at the oil fields or points of production of the same, or at the shipping points or at the vicinity of any thereof, or to secure the control or the monopoly of the transportation of such crude oil, petroleum or the products thereof from such oil fields or points of production, or from the shipping points or from the vicinity of any thereof, to such refining, selling or marketing points, or any thereof, then such contract, combination, arrangement or conspiracy is hereby declared to be an unfair practice, contrary to the public policy of the State of California, and the same shall and must be deemed by such court in all such actions or proceedings to be an unreasonable contract, combination, arrangement or conspiracy, in restraint of trade, and an unreasonable control or monopoly of the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and an unreasonable restraint on or over competition and trade in the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and the same shall and must be deemed illegal.

**§ 4. Defining "Unreasonable."**—The term "unreasonable" wherever used in this act means where the nature and extent of the control or restraint is such that the matter becomes of public consequence or is injurious to the public welfare, or where the nature and extent of the business is such that the public needs some use in the same, and the control or restraint so exercised prevents, obstructs or in anywise hinders such use.

**§ 5. Penalty for Violation.**—Every person who shall hereafter make any such contract or arrangement or engage in any such combination or conspiracy, or shall hereafter continue to execute any such contract or arrangement, or to do or perform any act in furtherance of any such combination or conspiracy without having first procured the license hereinafter provided for, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court.

**§ 6. Duty of Superior Court to Prevent Violation of Act.**—The several Superior Courts of the State of California are hereby vested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the counties and of the cities and counties of the State of California in their respective counties and in their respective cities and counties, under the direction of the attorney general of the State of California, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited, and may be brought in any county or city and county in which the defendant or any one of the defendants resides, or in which such unlawful act or any overt act in pursuance of such unlawful contract, combination, arrangement or conspiracy was committed, or in which the defendant or any one of the defendants has his or its principal place of business. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

**§ 7. Damages for Injury to Business by Reason of Violation of Act.**—Any person who shall be injured in his business or property by any other person or corporation or association of persons by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any Superior Court of the State of California in the county, or in the city and county, in which the defendant or any one of the defendants resides, or in which such unlawful act, or any overt act in pursuance of such unlawful contract, combination or conspiracy was committed, or in which the defendant, or any one of the defendants, has his or its principal place of business, and such petitioner shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee.

**§ 8. Definition of "Person."**—That the word "person" wherever used in this act shall be deemed to include corporations and associations existing under, or authorized by the laws of either the United States or the State of California, or of any of the Territories, or of any State or of any foreign country.

**§ 9. Definition of "Common Carrier Railroad."**—That the words "common carrier railroad" wherever used in this act, when the context so permits, shall be deemed to include any corporation, individual or association of individuals, either directly or indirectly owning, operating, managing or controlling, or participating, either directly or indirectly in the ownership, operation, management or control of any railroad which is operated as a common carrier within the State of California, or of any such railroad, any part of which is operated in the State of California; and the singular includes the plural.

**§ 10. Definition of "Oil Pipe-line."**—That the words "oil pipe-line" wherever used in this act, when the context so permits, shall be deemed

to include any private corporation, individual or association of individuals, either directly or indirectly owning, operating, managing or controlling any pipe-line or any part of any pipe-line for the transportation of crude oil, petroleum or any of the products thereof, or participating, either directly or indirectly, in the ownership, operation, management or control of any such pipe-line, or of any part of any such pipe-line; and the singular includes the plural.

**§ 11. Definition of Term "Oil Pipe-line."**—That the term "oil pipe-line" wherever used in this act, when the context so permits, also includes all of the instrumentalities by which crude oil, petroleum or any of the products thereof is transported by or through pipe-lines, in whole or in part.

**§ 12. Permission to Become Common Carrier.**—Any and every oil pipe-line used or operated or which is or has been used or operated for the transportation of crude oil or petroleum or any of the products thereof, not as a common carrier, under the conditions which are declared to be illegal by section 2 of this act, or under the conditions which are declared to be illegal by section 3 of this act, shall and must, before such use or operation is continued, and within thirty days after this act goes into effect, either file with the railroad commission of the State of California its written consent to transport crude oil, petroleum or the products thereof for hire to and for the public and as a common carrier and public utility, together with a schedule of rates for the transportation of crude oil, petroleum and the products thereof as a common carrier and a public utility, in accordance with the provisions of the act known as the "Public Utilities Act" of the State of California, approved December 23, 1911; or failing to file such written consent to become a common carrier and public utility, together with such schedule of rates with said railroad commission, such oil pipe-line must, on or before the time herein specified for such filing, either cease to continue to so operate or to so transport crude oil, petroleum or any of its products otherwise than as a common carrier; or must file with the said railroad commission an application in writing for permission to procure a license from the Secretary of State permitting it to continue to so operate and to so transport crude oil, petroleum and the products thereof otherwise than as a common carrier and under the conditions prohibited by section 2 or section 3 of this act, as the case may be; and its failure to comply with any of the provisions of this section of this act shall subject it to the penalty and punishment provided by section 5 of this act, and to the liabilities provided by any and every of the other sections of this act. But nothing contained in this act shall be construed to authorize or permit any contract, combination in form of trust or otherwise, or arrangement of any kind, implied, tacit or otherwise, or conspiracy such as is denounced or prohibited by sections 1, 2 and 3 of this act, or any of such sections, to be hereafter made or entered into, or if so hereafter unlawfully made or entered into, to permit the same, or any of the same, to be executed or performed under a license, or otherwise, or at all.



**§ 13. Permit to Procure License.**—The application by such oil pipe-line for a permit to procure a license as provided for in section 12 of this act, to permit it to continue to transport crude oil, petroleum or any of its products so as aforesaid, otherwise than as a common carrier, shall describe in a general way the oil pipe-line for the continued maintenance and operation of which such license is desired, stating the terminal points of such oil pipe-line and the county and counties through which the same is constructed and maintained, and the aggregate number of miles thereof in each of such counties, and as nearly as may be, the places at which such oil pipe-line is constructed or maintained over and along the right of way of such common carrier railroad, and the approximate distance thereof at each of such places, and such application shall also set forth the name of the private corporation, individual or association of individuals owning, operating, managing or controlling, either directly or indirectly, such oil pipe-line and each and every part thereof.

**§ 14. Issuance of License—License Fee.**—The railroad commission may authorize in writing the Secretary of State to issue a license to such oil pipe-line; and the license when so issued by the Secretary of State shall describe such oil pipe-line as the same is described in such application so filed with said railroad commission. At the time of procuring such license, the sum of two hundred fifty dollars (\$250) must be paid to the Secretary of State by such licensee.

**§ 15. Monthly Report of Oil Pumped Through Pipe-line.**—Every oil pipe-line required to procure the license hereinbefore provided for shall file with the railroad commission of the State of California on or before the tenth day of each calendar month, including and following the second calendar month after this act goes into effect, and in such form as said railroad commission shall require, a full, true and correct report showing the number of barrels (forty-two gallons to the barrel) of crude oil, petroleum or any of the products thereof which were transported through such pipe-line, or any part thereof, during the preceding calendar month. Such report shall be subscribed by such licensee or by its, his or their agent duly appointed in writing for such purpose, and shall be accompanied by the affidavit of such subscriber stating in substance and effect that he knows the contents thereof, and that he has had free access to the books and vouchers of such licensee relating to the same for the purpose of determining the truth of the statements contained therein, and that such statements, and each and all thereof are true according to his best information and belief. Said railroad commission shall examine said sworn report, and if it shall have no reason to doubt the correctness of the same, shall, within not less than ten days thereafter, certify it to the Secretary of State, and thereupon there shall immediately become due and payable to the people of the State of California at the office of the Secretary of State, the sum of fifty cents (\$.50) for each such barrel of crude oil, petroleum or any of the products thereof so transported through such oil pipe-line. The delivery of such certified report by the railroad commission to the Secretary of State shall

be deemed notice as of the date of such filing to said licensee of the amount due as a license fee for such calendar month, under the provisions of this act.

**§ 16. Examination of Reports—Penalty.**—Whenever the railroad commission shall entertain any doubt of the correctness of such report so filed with it, said railroad commission may subpoena the subscriber of such sworn report, and require him to bring before the said commission the books and vouchers from which he secured the information set forth in said report, and may examine him under oath, and may subpoena such other witnesses and hear such other testimony in relation to such matter as it deems competent, material and relevant, and said commission shall proceed summarily in the matter and determine the true and correct number of such barrels of crude oil, petroleum or any of the products thereof which were so transported by such licensee through such oil pipe-line, and shall thereupon certify to the Secretary of State its findings of the number of such barrels, and thereupon there shall immediately become due and payable to the people of the State of California, at the office of the Secretary of State, the sum of fifty cents (\$.50) for each of such barrels of crude oil, petroleum or any of the products thereof so transported through such oil pipe-line. The delivery of such certified finding by the railroad commission to the Secretary of State shall be deemed notice as of the date of such filing to said licensee of the amount due from such licensee as a license fee under the provisions of this act. The railroad commission may revoke the license of such licensee if, upon such hearing, it finds that any material statement contained in such sworn report is false, and that such falsity was known to such licensee at the time such report was filed with said railroad commission, or that said licensee had reason to believe at such time that such report was false in any particular, or if it finds that such licensee willfully aided or abetted the making of such false report, either directly or indirectly, in any manner whatsoever; and said railroad commission may thereupon direct the Secretary of State to revoke such license and prohibit him from renewing the same and from issuing any new license to such oil pipe-line within one year from the time the same was revoked.

**§ 17. Penalty for Violation of Act by Employees.**—Every oil pipe-line, and every agent, attorney or employee of the same who knowingly or willfully violates or fails to comply with, or who knowingly or willfully aids and abets any violation of any of the provisions of this act, or who knowingly and willfully fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the said railroad commission, or who knowingly, or willfully procures, aids or abets any failure to observe, obey or comply therewith, is guilty of a misdemeanor and is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

**§ 18. Failure to Pay License Fee.**—Any failure on the part of any licensee to pay within twenty (20) days after the same becomes due the license fees or any portion thereof as required by and provided in the provisions of this act, shall operate to forfeit, *ipso facto*, such license, and to deprive such licensee of the right to continue to so transport, otherwise than as a common carrier, any crude oil, petroleum or any of the products thereof through such oil pipe-line.

**§ 19. License Fee a Lien on Property.**—The license fee, and each installment thereof, in this act provided for, upon the same becoming due, as herein provided, is hereby declared to be a lien upon the whole of the oil pipe-line, for the privilege of maintaining and operating which said license is procured, as described in the application for such license, from the time that such license fee, and each installment thereof becomes due and payable; and such lien shall be enforceable in the same way that tax liens in the State of California are enforceable, and by the same procedure in so far as the same is or can be made applicable hereto.

**§ 20. Exemption from Monthly License Fee.**—Any and every licensee under this act who pays a license fee of not less than fifty cents (\$.50) per barrel of forty-two (42) gallons each, to the State of California under any other law of this State for the privilege of transporting or of engaging, either directly or indirectly, in the business of transporting crude oil, petroleum or any of the products thereof through a pipe-line or pipe-lines, is hereby exempted and relieved from the payment of the monthly license fees herein provided for by this act.

**§ 21. Validity of Entire Act not Affected by Unconstitutionality of Part of Act.**—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**PIPE-LINE LICENSE ACT.**

(Approved June 4, 1913.)

- § 1. License required.
- § 2. Fee—Condition of license.
- § 3. Construction of pipe-lines.
- § 4. Application for license.
- § 5. Report to railroad commission of pumping.
- § 6. Railroad commission to check reports.
- § 7. Penalty—Fines.
- § 8. Action to begin for violating act.
- § 9. Failure to pay license.
- § 10. License fee a lien on property.
- § 11. License fee exemptions.
- § 12. Validity of act.

§ 1. **License Required.**—Every private corporation, individual or association of individuals owning, operating, managing or controlling, either directly or indirectly, or participating, either directly or indirectly, in the ownership, operation, management or control of any pipe-line or pipe-lines, or any part of any pipe-line or pipe-lines, plant or equipment for the transportation of crude oil or petroleum or any of the products thereof, or engaged, either directly or indirectly in the business of transporting by pipe-line or pipe-lines, in whole or in part, continuously or otherwise, crude oil or petroleum or any of the products thereof from producing points or from points at, in or near any oil field or oil fields to any refinery or refineries, or to any distributing point or points, or to any marketing points or points, or to the vicinity of any thereof for an aggregate distance of thirty-five or more miles, within the State of California, otherwise than as a common carrier, and which said pipe-line or pipe-lines, or any part thereof, or of such plant or equipment is constructed or maintained for any distance whatsoever across, along, over or under any public highway or public road within the State of California, is hereby required within twenty days after this act goes into effect and before thereafter continuing or commencing to so transport, or to so engage in the business of transporting crude oil, petroleum or any of the products thereof through any part of such pipe-line or pipe-lines for any distance whatsoever across, along, over or under any public highway or public road, to procure a license from the Secretary of State as hereinafter provided, permitting it, him or them to continue, or to commence and continue, to transport and to engage in the business of transporting crude oil, petroleum or any of the products thereof through such part or parts of such pipe-line or pipe-lines as is or are constructed or maintained for any distance whatsoever across, along, over or under any public highway or public road.

§ 2. **Fee—Condition of License.**—The Secretary of State is hereby authorized to issue licenses permitting private corporations, individuals or association of individuals to continue to own, operate, manage or

control any pipe-line or pipe-lines already constructed and now being maintained for the transportation of crude oil, petroleum or any of its products, otherwise than as a common carrier across, along, over or under any public highway or public road within this State, to the extent only to which such pipe-line or pipe-lines is or are now already so constructed, operated and maintained, upon payment of a fee of two hundred and fifty dollars (\$250) for each separate pipe-line so already constructed and maintained for any distance whatsoever across, along, over or under any public highway or public road for such length of time only as such licensee shall comply with all the provisions of this act and of any and every other act which may hereafter be enacted in relation to the subject by the legislature of California; provided, further, that the fees hereinafter required to be paid for such permit may hereafter be increased or diminished at any time as the legislature may determine.

**§ 3. Construction of Pipe-lines.**—The construction hereafter of any pipe-line or pipe-lines intended for the transportation of crude oil, petroleum or any of its products, otherwise than as a common carrier for an aggregate distance of thirty-five or more miles within this State, continuously or otherwise, by means of such pipe-line or pipe-lines, in whole or in part, for any distance whatsoever, across, along, over or under any public highway or public road within this State is declared to be contrary to public policy and is hereby expressly prohibited.

**§ 4. Application for License.**—The license herein provided for shall not be issued by the Secretary of State unless and until a written application therefor shall first be filed with him by the private corporation, individual or association of individuals desiring to procure the same, which shall describe in a general way the pipe-line or pipe-lines for the maintenance and operation of which such license is desired, stating the terminal points of such pipe-line or pipe-lines and the county and counties through which the same is or are constructed and maintained, and the number of miles thereof in each of such counties, and as nearly as may be the point and points at which such pipe-line or pipe-lines is or are constructed and maintained across, along, over or under any public highway or public road and the approximate distance thereof in each instance, and which written application shall also set forth the name of the private corporation, individual or association of individuals owning, operating, managing or controlling, either directly or indirectly, such pipe-line or pipe-lines and each and every part thereof. And such license when issued shall describe such pipe-line or pipe-lines as described in such application.

**§ 5. Report to Railroad Commission of Pumping.**—Every private corporation, individual or association of individuals required to procure the license hereinbefore provided for shall file with the railroad commission of the State of California on or before the tenth day of each calendar month, including and following the second calendar month after this act goes into effect, and in such form as said railroad commission shall require, a full, true and correct report showing

the number of barrels (forty-two gallons to the barrel) of crude oil, petroleum or any of the products thereof which were transported through each and every such pipe-line so constructed, operated or maintained for any distance whatsoever across, along, over or under any public highway or any public road within this State during the preceding calendar month. Such report shall be subscribed by such licensee or by its, his or their agent duly appointed in writing for such purpose and shall be accompanied by the affidavit of such subscriber stating in substance and effect that he knows the contents thereof, and that he has had free access to the books and vouchers of such licensee relating to the same for the purpose of determining the truth of the statements contained therein, and that such statements, and each and all thereof, are true according to his best information and belief. Said railroad commission shall examine said report and if it shall have no reason to doubt the correctness of the same, shall, within not less than ten days thereafter, certify it to the Secretary of State, and thereupon there shall immediately become due and payable to the people of the State of California at the office of, and through, the Secretary of State, the sum of fifty cents (\$.50) for each such barrel of crude oil, petroleum or any of the products thereof so transported through such pipe-line or pipe-lines for any distance whatsoever across, along, over or under such public highway or public road. The delivery of such certified report by the railroad commission to the Secretary of State shall be deemed notice as of the date of such filing to said licensee of the amount due as a license fee for such calendar month under the provisions of this act.

**§ 6. Railroad Commission to Check Reports.**—Whenever the railroad commission shall entertain any doubt of the correctness of such report so filed with it, said railroad commission may subpoena the subscriber of such report and require him to bring before said commission the books and vouchers from which he secured the information set forth in said report, and may examine him under oath, and may subpoena such other witnesses and hear such other testimony in relation to such matter as it deems competent, material and relevant, and shall proceed summarily in the matter and determine the true and correct number of such barrels of crude oil, petroleum or any of the products thereof which were so transported by said licensee through such pipe-line so constructed, operated or maintained for any distance whatsoever across, along, over or under any public highway or public road within this State, and shall thereupon certify to the Secretary of State its finding of the number of such barrels, and thereupon there shall immediately become due and payable to the people of the State of California at the office of and through the Secretary of State, the sum of fifty cents (\$.50) for each such barrel of such crude oil, petroleum or any of the products thereof so transported. The delivery of such certified finding by the railroad commission to the Secretary of State shall be deemed notice as of the date of such filing to said licensee of the amount due as a license fee under the provisions of this act. The railroad commission may revoke the license of such licensee if.

upon such hearing, it finds that any material statement contained in said sworn report is false and that such falsity was known to such licensee at the time such report was filed with said railroad commission, or that said licensee had reason to believe at such time that such report was false, or that such licensee willfully aided or abetted the making of such false report, either directly or indirectly, in any manner whatsoever, and said railroad commission may thereupon refuse to authorize the Secretary of State to renew any such license, or to issue a new one to any private corporation, individual or association of individuals whose license has thus been revoked, within one year from the time same was revoked.

**§ 7. Penalty—Fines.**—Every individual and every member of any association of individuals, and every officer, agent, attorney or employee of any private corporation, who knowingly and willfully violates or fails to comply with, or who knowingly and willfully aids and abets any violation of any provision of this act, or who knowingly and willfully fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the said railroad commission, or who knowingly or willfully procures, aids or abets any failure to observe, obey and comply therewith, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

**§ 8. Action to Begin for Violating Act.**—Whenever the railroad commission shall entertain the belief that any private corporation, individual or association of individuals required by the provisions of this act to procure the aforesaid license, is transporting crude oil, petroleum or any of the products thereof, for any distance whatsoever, through any pipe-line now constructed and maintained across, along, over or under any public highway or public road within this State without having procured the license herein provided for, or has or is about to construct any pipe-line for the transportation of crude oil, petroleum or any of the products thereof for any distance whatsoever across, along, over or under any public highway or any public road within this State, it shall direct the attorney of the commission to commence an action or proceeding in the Superior Court in and for the county, or city and county, in which such pipe-line or any part thereof is so constructed or maintained, or has been or is about to be so constructed, for any distance whatsoever, across, along, over or under any public highway or public road, or in the Superior Court in and for the county, or city and county, in which the private corporation, individual or association of individuals so transporting or threatening to construct a pipe-line or pipe-lines for the purpose of transporting crude oil, petroleum or any of the products thereof, maintain or maintains it, his or their principal place of business, and said action or proceeding shall be brought in the name of the people of the State of California for the purpose of having such violation or threatened violation of the provisions of this act stopped and prevented by *mandamus*,

injunction or other appropriate remedy, and for the purpose of recovering a judgment for such damages as may have been incurred by the people of the State of California for such violation or threatened violation of the provisions of this act. It shall thereupon become the duty of the court to specify a time not exceeding twenty days after the service of the copy of the petition in which the private corporation, individual or association of individuals complained of must answer such petition, and in the meantime, said private corporation, individual or association of individuals may be restrained by said court from continuing such violation or threatened violation of any of the provisions of this act. In case of default in the answer, or after the answer has been filed by such defendant or defendants, the court shall immediately hear and determine the case. Such private corporation or individuals as the court may deem necessary or proper in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of *mandamus* or injunction issue or be made perpetual as prayed for in the petition, or in such modified or other form as will give appropriate relief. An appeal may be taken to the Supreme Court from such final judgment in the same manner and with the same effect, subject to the provisions of this act, as appeals are taken from the judgments of the Superior Court in other cases involving *mandamus* or injunction.

**§ 9. Failure to Pay License.**—Any failure on the part of any licensee to pay within twenty days after the same becomes due, the license fees or any portion thereof as required by and provided in the provisions of this act, shall operate to forfeit, *ipso facto*, such license, and to deprive such licensee of the right to continue to transport any crude oil, petroleum or any of the products thereof through any part of any such pipe-line or pipe-lines for any distance whatsoever across, along, over or under any public highway or public road.

**§ 10. License Fee a Lien on Property.**—The license fee, and each installment thereof, in this act provided for, upon the same becoming due, as herein provided, is hereby declared to be a lien upon the whole of the pipe-line or pipe-lines and plant and equipment used in connection therewith of which that part of such pipe-line, for the privilege of maintaining and operating which said license is procured, is a part as described in the application for such license, from the time that such license fee, and each installment thereof, becomes due and payable; and such lien shall be enforceable in the same way that tax liens in the State of California are enforceable, and by the same procedure in so far as the same is or can be made applicable hereto.

**§ 11. License Fee — Exemptions.**—Any and every licensee under this act who pays a license fee of not less than fifty cents (\$.50) per barrel of forty-two gallons each to the State of California under any other law of this State for the privilege of transporting or of engaging, either directly or indirectly, in the business of transporting crude oil, petroleum or any of the products thereof through a pipe-



line or pipe-lines, is hereby exempted and relieved from the payment of the monthly license fees herein provided for by this act.

**§ 12. Validity of Act.**—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

## ACT DECLARING PIPE-LINES COMMON CARRIERS.

(Approved June 4, 1913.)

- § 1. Definition.
- § 2. Pipe-line a common carrier.
- § 3. Public utility.
- § 4. Validity of act.
- § 5. Exemptions of act.

**§ 1. Definition.**—Every private corporation and every individual or association of individuals:

(a) Owning, operating, managing or controlling any pipe-line or any part of any pipe-line, plant or equipment within the State of California for the transportation of crude oil or petroleum or the products thereof, either directly or indirectly, to or for the public, for hire, compensation or consideration of any kind, paid, given, extended or received, directly or indirectly, for such transportation, or engaged, directly or indirectly, in the business of so transporting the same; or

(b) Owning, operating, managing or controlling any pipe-line or any part of any pipe-line, plant or equipment for the transportation of crude oil, petroleum or the products thereof, directly or indirectly, to or for the public, for hire, compensation or consideration of any kind, paid or received, directly or indirectly, for such transportation, and which said pipe-line, plant or equipment is constructed or maintained upon, along, over or under any public highway, and in favor of whom the right of eminent domain exists; or

(c) Owning, operating, managing or controlling, directly or indirectly, any pipe-line or pipe-lines, or any part of any pipe-line or pipe-lines, plant or equipment, or any pipe-line system or any part thereof, for the transportation, directly or indirectly, to or for the public, for hire or otherwise, of crude oil, petroleum or products thereof, and which said pipe-line, or pipe-lines, or plant or equipment, or system is, or are, constructed, operated or maintained across, upon, along, over or under the right of way of any railroad corporation or other common carrier required by law to transport crude oil, petroleum or products thereof as a common carrier; or

(d) Owning, using, operating, managing or controlling, directly or indirectly, or participating in the ownership, use, operation, management or control, directly or indirectly, under lease, contract of pur-

chase, agreement to buy and sell, or other contractual or tacit agreement or arrangement of any kind or character whatsoever, of any pipe-line, or pipe-lines, or any part of any pipe-line, or pipe-lines, plant or equipment, or pipe-line system, or any part of any pipe-line system, for the transportation of crude oil, petroleum or the products thereof, of and from, or of, or from any oil field or place of production within the State of California, to any distributing, refining, or marketing center or reshipping point therefor within said State, whereby, or under, or through which, directly or indirectly, such corporation, or any corporation or association of corporations, or individual or association of individuals secures, or is enabled to secure, or attempts to secure, or tends to secure, the control of, or monopoly of the purchasing of, or the control of, or monopoly of the transportation of such crude oil, petroleum or the products thereof;

Is hereby declared to be a common carrier and subject to the provisions of the act known as the "Public Utilities Act," approved December 23, 1911.

**§ 2. Pipe-line a Common Carrier.**—Every corporation organized and existing under the laws of the State of California or under the laws of any other State to transport, or to engage in the business of transporting, within the State of California, any crude oil, petroleum or the products thereof, or for the purpose of acquiring, constructing, leasing, owning, maintaining or operating, directly or indirectly, or of controlling or participating in the control of any pipe-line or pipe-lines with pumping station or stations, or other appurtenant equipment or plant constructed and maintained, or to be constructed or maintained for the transportation of crude oil, petroleum or the products thereof, actually engaged or engaging in such operation or transportation, directly or indirectly, or shares, directly or indirectly, in the business of such operation or transportation, is hereby declared to be a common carrier and subject to the provisions of the "Public Utilities Act" of the State of California, approved December 23, 1911.

**§ 3. Public Utility.**—Any pipe-line constructed, acquired, owned, operated, maintained, managed or controlled by any private corporation or individual or association of individuals for any of the purposes or under any of the conditions specified in section 1 or section 2 of this act, is hereby declared to be a public utility and subject to the provisions of the "Public Utilities Act" of the State of California, approved December 23, 1911.

**§ 4. Validity of Act.**—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**§ 5. Exemptions of Act.**—The provisions of this act are not to be construed as applying to any corporation, individual or association of individuals where the nature and extent of their business is such that

the public needs no use in the same, and the conduct of the same is not a matter of public consequence.

## **PERMISSION TO CONSTRUCT PIERS, WHARVES, ETC.**

**Political Code, § 2906.**—The boards of supervisors of every county in this State may, upon approval of the railroad commission, grant authority to any person or corporation to construct a wharf, chute, or pier, on any lands bordering on any navigable bay, lake, inlet, creek, slough or arm of the sea, situate in or bounding their counties, respectively, with a license to take tolls for the use of the same for the term of twenty years. (Approved June 14, 1913.)

## **RULES—CALIFORNIA RAILROAD COMMISSION.**

The following rules of practice and procedure were adopted by the Railroad Commission of the State of California in accordance with the provisions of section 53 of the Public Utilities Act:

**Rule 1. Definitions.**—1. The term "public utility," when used in these rules, includes every common carrier, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and warehouseman, as those terms are defined in section 2 of the Public Utilities Act.

2. The term "Commission," when used in these rules, means the Railroad Commission of the State of California.

3. The term "formal proceeding," when used in these rules, means a proceeding which contemplates a hearing before the Commission or a commissioner sitting in a judicial or *quasi*-judicial capacity. A formal proceeding may be either (a) a complaint or (b) an application.

4. The term "complaint" when used in these rules, means a formal proceeding, whether brought upon the Commission's own motion or upon complaint of a third party, having for its object the rendition of an order or decision which can be enforced by the Commission.

5. The term "application," when used in these rules, means a formal proceeding brought by a public utility, for the purpose of securing the Commission's authorization or permission to perform an act.

6. The term "financial condition," when used in these rules with reference to an application, means the financial condition of the applicant as shown by a schedule or schedules annexed to the petition and properly referred to therein, and showing:

- (a) Amount and kinds of stock authorized.
- (b) Amount and kinds of stock issued and outstanding.
- (c) Terms of preference of all preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.
- (d) Brief description of each mortgage upon property of applicant, giving date of execution, name of mortgagor, name of mortgagee or trustee, amount of indebtedness authorized to be secured thereby and amount of indebtedness actually secured.

(e) Number and amount of bonds authorized and issued, giving name of the public utility which issued the same, describing each class separately, giving date of issue, par value, rate of interest, date of maturity and how secured.

(f) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by any corporation or person, if the original liability has been transferred.

(g) Amount of interest paid during previous fiscal year and rate thereof, with amount paid at each rate, if different rates were paid, upon each issue of indebtedness.

(h) Rate and amount of dividends paid during the five previous fiscal years and the amount of capital stock on which dividends were paid each year.

(i) Detailed statement of earnings and expenditures for and balance sheet showing conditions at close of the last fiscal year, unless already filed with the Commission as part of the annual report, in which case a reference to the filing should be given.

**Rule 2. Sessions of Commission.**—The office of the Commission shall be in San Francisco, California, and shall always be open, legal holidays and nonjudicial days excepted. The regular monthly session of the Commission shall be held in its office on the second Tuesday of every month at 10:30 o'clock A. M., at which time any person having business with the Commission may appear and be heard. The Commission will hold other sessions at San Francisco and elsewhere in the State of California at such times as it may designate. The sessions of the Commission shall be public.

**Rule 3. Secretary to Furnish Information.**—The Commission's secretary will, upon request, advise as to the form of complaint, petition, answer or other documents necessary to be filed in any formal proceeding, and furnish such information from the files of the Commission as will conduce to a full presentation of material facts.

**Rule 4. Formal Proceedings—General Matters Applicable to All.**  
1. *Address of Commission.* All communications should be addressed to "Railroad Commission of the State of California, San Francisco, California."

2. *Case Numbers.* The secretary shall assign to each formal proceeding a number which the parties shall, before filing, place on all subsequent papers in such proceeding.

3. *Form and Size of Papers Filed.* All pleadings filed with the Commission in formal proceedings shall be printed or typewritten on one side of the paper only, and, as far as practicable, shall be upon paper 8½ by 13 inches in size. Each line and page shall be numbered.

4. *Amendments.* The Commission may, in its discretion, allow any pleading to be amended or corrected or any omission therein to be supplied.

5. *Subpoenas.* Subpoenas requiring the attendance of a witness from any place in the State to any designated place of hearing, for the purpose of taking the testimony of such witness orally before the Commission or one or more commissioners may be issued by any commissioner or the secretary.

Subpoenas for the production of books, accounts, papers, waybills and other documents (unless issued upon the Commission's own motion) will only be issued upon application in writing, stating, as nearly as possible, the books, accounts, papers, waybills or other documents desired to be produced.

6. *Service of Papers.* Personal service of papers in all hearings, investigations and formal proceedings pending before the Commission may be made upon any person upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure of this State. Service may also be made by mailing in a sealed envelope, registered, with postage prepaid, addressed to any party to such hearing, investigation or formal proceeding or to any person upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure. If service is made by mailing, and an act is to be performed within a specified time after service, the time for the performance of the act shall begin to run at the time the registered letter is received. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

7. *Filing or Entry and Service of Orders.* Each order, authorization or certificate made, issued or approved by the Commission shall be in writing and shall be filed with or entered on the records of the Commission, in accordance with the provisions of the Public Utilities Act, and a copy thereof, certified by the secretary under the seal of the Commission, shall be served upon or delivered to the corporation or person complained of, or the applicant, or his or its attorney.

8. *Intervention.* In any formal proceeding, the Commission may permit any corporation, association, body politic or person to intervene and be heard, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention. Leave thus granted shall entitle the intervener to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on the argument.

**Rule 5. Complaints—Contents and Proceedings Up to Hearing.—**

1. *Who may Complain.* Complaint may be made by the Commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by complaint in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission.

(a) Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

2. *Contents of Complaint.* Each complaint shall show the venue. "Before the Railroad Commission of the State of California," shall bear a heading showing the name of the complainant and the name of the defendant and shall state—

(a) The full name and postoffice address of the complainant.

(b) The full name and postoffice address of the defendant.

(c) Fully, clearly and with reasonable certainty the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order or rule, and the section or sections thereof, of which a violation is claimed.

(d) Such other matters or facts, if any, as may be necessary to acquaint the Commission fully with the details of the alleged violation.

3. *Signature of Complaint.*

(a) The complaint shall be signed by the complainant or his attorney, if any, and shall show the name and postoffice address of such attorney and shall be verified. Complaints by unincorporated associations may be verified by any officer or director thereof.

(b) Except upon its own motion, the Commission will entertain no complaint as to the reasonableness of any rates or charges of any gas, electrical, water or telephone corporation, other than a complaint of the corporation itself, unless the same be signed by the mayor or the president or the chairman of the board of trustees or a majority of the council, Commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers or prospective consumers or purchasers of such gas, electricity, water or telephone service.

4. *Copies to Accompany Complaint.* At the time complainant files his original complaint, he must also file copies thereof equal in number to one more than twice the number of corporations or persons to be served.

5. *Procedure of Commission on Filing of Complaint.* Upon the filing of such complaint, the Commission shall immediately mail a copy thereof to the defendant or defendants and shall also examine the same to ascertain whether it establishes a *prima facie* case and conforms to these rules. At any time within five days after the receipt by a defendant of such copy of such complaint, he may, in writing, call the Commission's attention to any defects therein, but this privilege shall not in any wise, unless the Commission specifically so orders, extend the time within which such defendant is required to satisfy the complaint or to answer. If the Commission is of the opinion that the complaint does not establish a *prima facie* case or does not conform to these rules, it shall notify the complainant or his attorney to that effect, and oppor-

tunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the Commission, for good cause shown, may grant, it will be dismissed.

If the Commission is of the opinion that such complaint, either as originally filed or as amended, does establish a *prima facie* case and conform to these rules, the Commission shall serve upon each corporation or person complained of, an order under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten days from the date of service of such order, provided that the Commission may, in particular cases, require the answer to be filed within a shorter time.

6. *Satisfaction of Complaint.* If the defendant desires to satisfy the complaint, he may submit to the Commission, within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to give. On the acceptance of this offer by the complainant and the approval of the Commission, no further proceedings need be taken.

7. *Answer to Complaint.* If satisfaction be not made as aforesaid, the corporation or person complained of must, within the time specified in the order or such extension thereof as the Commission, for good cause shown, may grant, file an answer to the complaint, with admission of service by complainant or his attorney indorsed thereon, or an affidavit of service. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. The filing of an answer will not be deemed an admission of the sufficiency of the petition, but a motion to dismiss may be made at the hearing.

**Rule 6. Hearings and Rehearings—In All Formal Proceedings.—**

1. *When Hearings will be Given.* Except as otherwise determined in specific cases, the Commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the cause of complaint. (Rule 5.)

(b) When an application has been made in a formal proceeding.

2. *Notice of Place of Hearing.*

(a) Notice of the day and hour of a hearing shall be served at least ten days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date. Hearings shall be held in the office of the Commission in San Francisco unless elsewhere specified in the notice.

(b) In formal applications, the Commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard, either by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the Commission may designate. In such cases, the form of the notice must be submitted to the secretary of the Commission for approval, and proof of the publication thereof must be filed with the secretary at or before the hearing.

3. *Stipulation as to Facts.* The parties to any proceeding or investigation before the Commission may, by stipulation in writing filed with the Commission or entered in the record, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. It is desirable that the facts be thus agreed upon whenever practicable. The Commission may in such cases require such additional evidence as it may deem necessary.

4. *Procedure at Hearings.*

(a) Witnesses will be examined orally and under oath before the Commission or a commissioner unless the facts are stipulated or the Commission or commissioner otherwise orders.

(b) The complainant must establish the facts upon which he bases his complaint, unless the defendant admits the same or fails to answer the complaint. The defendant must likewise give evidence of the facts alleged in the answer, unless admitted by the complainant, and must fully disclose its defense at the hearing. In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable and make such order thereon as the circumstances of the case may require.

(c) If documentary evidence is offered, the Commission, in lieu of requiring the originals to be filed, may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as part of the record.

5. *Adjournments.* Hearings may be adjourned from time to time by or at the direction of the Commission or a commissioner.

6. *Briefs.* The Commission or a commissioner may require the submission of briefs.

7. *Investigations on Commission's Own Motion.* The Commission may at any time, of its own motion, make investigations and order hearings into any act or thing done or omitted to be done by any public utility, which the Commission may believe is in violation of any provision of law or of any order or rule of the Commission. It may also, through its own experts or employees, or otherwise, secure such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

8. *Rehearings.* Any party to a formal proceeding or any stockholder or bondholder or other party pecuniarily interested in the public utility



affected may apply for a rehearing as to any matters determined by the Commission and specified in the application for the rehearing, and the Commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. Such application shall set forth specifically the ground or grounds on which the applicant considers the Commission's decision or order to be unlawful or erroneous. Rehearings must be asked for before the effective date of the decision or order complained of. In further respects, rehearings will be governed by the provisions of section 66 of the Public Utilities Act.

**Rule 7. Switch Connections and Spurs—Complaints for.**—When complaint is made for the installation of a switch connection or spur, under the provisions of section 39 of the Public Utilities Act:

1. The complaint, in addition to the requirements of Rule 5, subd. 2, must state:

(a) Character and amount of business which will probably be tendered at such connection or spur.

(b) Length of track necessary to be built by defendant and the cost of the same.

2. With the complaint shall be filed:

(a) Map on scale of not less than 100 feet per inch, showing location of existing tracks; property lines; buildings and structures in the vicinity; and the location and length of the proposed switch connection or spur. Such map should be filed in triplicate; one copy shall be on tracing linen unless waived by the Commission.

**Rule 8. Value of Property of Public Utilities.**—Formal proceedings instituted by the Commission to ascertain the value of the property of a public utility shall be conducted as specified in section 70 of the Public Utilities Act. Whenever in any formal proceeding the value of the property or a portion thereof of a public utility becomes relevant and pertinent, the Commission may, through its own experts and employees, or otherwise, investigate and ascertain such value.

**Rule 9. Applications—General Matters Applicable to All.**—1. *Contents of Application.* All formal applications must be by petition in writing, signed by the applicant and duly verified. The petition must set forth the full name and postoffice address of the applicant and must show the full name and address of its attorney, if any, and must contain the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for the same. Three copies of the petition shall be filed with the original, except in applications covered by Rules 17, 18, 19 and 20, in which cases the original petition alone need be filed.

The petition must contain such further statements as may be required by any provision of law or of these rules and must show in detail compliance therewith.

If the applicant is a corporation, there must be annexed to the petition a certified or verified copy of its articles of incorporation or charter and all amendments thereof, except in applications covered by Rules 17, 18, 19 and 20. If maps or profiles are filed with the petition, they must always be filed in triplicate and one copy thereof shall be on tracing linen.

2. *Documents Filed With Application.* Whenever under these rules any map, profile, certificate, statement or other document is required to be filed with a petition and the same has theretofore been filed with the Commission, the petition may state the fact of such filing, with the date and the proceedings in which, or occasion on which, the filing was made.

3. *Procedure of Commission on Filing Petition.* Upon the filing of such petition, the Commission shall examine the same to see whether it establishes a *prima facie* case for action on the part of the Commission and conforms to these rules. If the petition fails in either of these respects, the Commission will give notice of the defects to the applicant, who may correct the same. If the petition be found to state a *prima facie* case and to comply with the rules, the Commission may make an order *ex parte* granting the application or will appoint a time and place for a hearing on the same, provided that a hearing shall always be held when provided for in the Public Utilities Act.

**Rule 10. Railroad Crossings—Applications for Construction, Alteration or Abolition of.**—When application is made for the construction, alteration or abolition of crossings (1) of public roads, highways or streets by railroads, or (2) of railroads by public roads, highways or streets, or (3) of railroads by railroads, or (4) of railroads by street railroads, or (5) of street railroads by railroads, or (6) of public roads or highways by street railroads, or (7) of street railroads by public roads or highways, under the provisions of section 43 of the Public Utilities Act.

1. The petition, in addition to the requirements of Rule 9, must state:

(a) If the application is for a crossing at grade, such facts, data and estimates of cost as tend to show that it is not reasonable or practicable to effect a separation of grades.

(b) Such safety device or other protection, if any, as the applicant may believe should be installed, with detailed information concerning the same.

2. With the petition shall be filed:

(a) Map on scale of not less than 200 feet per inch, showing accurately the location of all tracks, buildings, structures, property lines, streets and roads in the vicinity of the proposed crossing.

(b) Profiles showing ground lines and proposed grade lines of approaches on such public roads, highways or streets, railroads or street railroads as may be affected by the proposed crossing. In case of a contemplated crossing of a railroad by a railroad, the profile of each railroad shall show the customary information for not less than one (1) mile on each side of the proposed crossing.

**Rule 11. Safety Devices at Railroad Crossings—Applications for.**—Whenever a railroad or street railroad desires to protect any crossing which it may have at grade with another railroad or street railroad, with an interlocking or other safety device, it may make application to the Commission for an order approving such device and directing its construction and also prescribing the division of the cost of construction, maintenance and operation of the same.

1. The petition, in addition to the requirements of Rule 9, must state:

(a) The kind of device proposed, with a description thereof and an estimate of the cost of its construction and operation.

(b) The average number of trains of each class, and of cars in case of street railroads, operated daily over the crossing by each railroad over a period of not less than thirty (30) days.

2. With the petition shall be filed:

(a) Map on scale of not less than 100 feet per inch, showing the location of main tracks, the length and location of all switches, sidings and spur tracks, all buildings and obstructions to the view in the vicinity, the proposed location of tower, if any, and the proposed location of all derails, switches, signals and detector bars, which are proposed to be operated by the device.

(b) A profile of each railroad or street railroad, showing the customary information for not less than one (1) mile on each side of the crossing, in case of railroads, and not less than 1,000 feet in case of street railroads.

(c) Copies of such contracts or agreements, if any, as may have been entered into relating to the construction or protection of the crossing.

**Rule 12. New Construction or Extensions—Application for.**—When application is made by a street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation for a certificate that the present or future public convenience or necessity require, or will require a proposed new construction or an extension, in the cases specified in section 50a of the Public Utilities Act,

1. The petition, in addition to the requirements of Rule 9, must state:

(a) The proposed location, route or routes, the method of construction, and the names of all public utility corporations or persons with whom the proposed new construction or extension is likely to compete.

(b) The facts showing the proposed new construction or extension is or will be required by public convenience and necessity.

(c) The manner, in detail, in which it is proposed to finance the proposed new construction or extension.

2. With the petition shall be filed:

(a) Map to suitable scale, showing the location or route of the proposed new construction or extension with its relation to other

public utilities with which the same is likely to compete, which map shall contain all data necessary for a complete understanding of the situation.

(b) When the consent, franchise or permit of a county, city and county, municipal or other public authority is necessary, a certified copy of the application therefor and of the ordinance or other document granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

**Rule 13. Franchises and Permits—Applications for Permission to Exercise.**—When application is made by a street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation for a certificate that public convenience and necessity require the exercise of a right or privilege under a franchise or permit, in the cases specified in section 50b of the Public Utilities Act,

1. The petition, in addition to the requirements of Rule 9, must state:

(a) The financial condition of the applicant as defined in Rule 1, 6.

(b) The facts showing the proceedings theretofore taken with reference to franchise or permit for which permission and approval are sought.

(c) If the application is for permission to exercise a right or privilege under any franchise or permit granted prior to March 23, 1912, but not theretofore exercised, or the exercise of which has been suspended for more than one year, the reason why such right or privilege has not been exercised or has been suspended.

(d) The facts showing that the exercise of such right or privilege under such franchise or permit is required by the public convenience and necessity.

2. With the petition shall be filed:

(a) A certified copy of the written application to the proper county, city and county, municipal or other public authority for its consent, franchise or permit and of the ordinance or other document, if any has been secured, granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

(b) Map to suitable scale, showing the streets, avenues and all other places and property in or upon or along which it is proposed to exercise such franchise or permit.

3. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the Commission for an order preliminary to the issue of the certificate. The Commission will, in its discretion, thereupon make an order declaring that it will thereafter upon application issue the desired certificate, upon such terms and conditions as it may designate, after the public utility

has obtained the contemplated franchise or permit. Upon the presentation to the Commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the Commission will thereupon issue such certificate.

**Rule 14. Sale, Lease, Assignment, Mortgage or Other Disposition of Property—Application for.**—When application is made by a railroad corporation, street railroad corporation, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation for an order authorizing the sale, lease, assignment, mortgage or other disposition of the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, the merger or consolidation of its property, franchises or permits or any part thereof, with any other public utility, in the cases specified in section 51a of the Public Utilities Act,

1. The petition must be made by all the parties to the proposed transaction, and, in addition to the requirements of Rule 9, must state:

(a) The financial condition of each applicant, as defined in Rule 1, subd. 6.

(b) In detail the reasons upon the part of each applicant for entering into the proposed sale, lease, assignment, mortgage or other disposition of such property, franchise or permit and all the facts warranting the same and showing that it is for the benefit of the public service.

2. With the petition shall be filed:

(a) A copy of the proposed contract, agreement, lease or mortgage, and if prior agreements have been made between the parties relating to the same subject matter, copies of such agreements must be filed with the petition or referred to as already on file with the Commission.

**Rule 15. Acquisition of Part or All of Capital Stock of Another Utility—Applications for.**—When application is made by any public utility for authorization to purchase or acquire, take or hold any part of the capital stock of any other public utility, under the provisions of section 51b of the Public Utilities Act,

1. The petition must be made by the public utility proposing to purchase, acquire, take or hold the stock, and in addition to the requirements of Rule 9, must state:

(a) The financial condition of the applicant and of the corporation whose stock is sought to be purchased, acquired, taken or held, as defined in Rule 1, subd. 6.

(b) The reasons why the applicant desires to secure the stock, and the amount of the stock of the public utility affected already owned or held by applicant, if any.

public utilities with which the same is likely to compete, which map shall contain all data necessary for a complete understanding of the situation.

When the consent, franchise or permit of a county, city and county, municipal or other public authority is necessary, a certified copy of the application therefor and of the ordinance or other document granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

**Rule 13. Franchises and Permits—Applications for Permission to Exercise.**—When application is made by a street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation for a certificate that public convenience and necessity require the exercise of a right or privilege under a franchise or permit, in the cases specified in section 50b of the Public Utilities Act,

1. The petition, in addition to the requirements of Rule 9, must state:

(a) The financial condition of the applicant as defined in Rule 1, 6.

(b) The facts showing the proceedings theretofore taken with reference to franchise or permit for which permission and approval are sought.

(c) If the application is for permission to exercise a right or privilege under any franchise or permit granted prior to March 23, 1912, but not theretofore exercised, or the exercise of which has been suspended for more than one year, the reason why such right or privilege has not been exercised or has been suspended.

(d) The facts showing that the exercise of such right or privilege under such franchise or permit is required by the public convenience and necessity.

2. With the petition shall be filed:

(a) A certified copy of the written application to the proper county, city and county, municipal or other public authority for its consent, franchise or permit and of the ordinance or other document, if any has been secured, granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

(b) Map to suitable scale, showing the streets, avenues and all other places and property in or upon or along which it is proposed to exercise such franchise or permit.

3. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the Commission for an order preliminary to the issue of the certificate. The Commission will, in its discretion, thereupon make an order declaring that it will thereafter upon application issue the desired certificate, upon such terms and conditions as it may designate, after the public utility

has obtained the contemplated franchise or permit. Upon the presentation to the Commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the Commission will thereupon issue such certificate.

**Rule 14. Sale, Lease, Assignment, Mortgage or Other Disposition of Property—Application for.**—When application is made by a railroad corporation, street railroad corporation, pipe-line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation for an order authorizing the sale, lease, assignment, mortgage or other disposition of the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, the merger or consolidation of its property, franchises or permits or any part thereof, with any other public utility, in the cases specified in section 51a of the Public Utilities Act,

1. The petition must be made by all the parties to the proposed transaction, and, in addition to the requirements of Rule 9, must state:

(a) The financial condition of each applicant, as defined in Rule 1, subd. 6.

(b) In detail the reasons upon the part of each applicant for entering into the proposed sale, lease, assignment, mortgage or other disposition of such property, franchise or permit and all the facts warranting the same and showing that it is for the benefit of the public service.

2. With the petition shall be filed:

(a) A copy of the proposed contract, agreement, lease or mortgage, and if prior agreements have been made between the parties relating to the same subject matter, copies of such agreements must be filed with the petition or referred to as already on file with the Commission.

**Rule 15. Acquisition of Part or All of Capital Stock of Another Utility—Applications for.**—When application is made by any public utility for authorization to purchase or acquire, take or hold any part of the capital stock of any other public utility, under the provisions of section 51b of the Public Utilities Act,

1. The petition must be made by the public utility proposing to purchase, acquire, take or hold the stock, and in addition to the requirements of Rule 9, must state:

(a) The financial condition of the applicant and of the corporation whose stock is sought to be purchased, acquired, taken or held, as defined in Rule 1, subd. 6.

(b) The reasons why the applicant desires to secure the stock, and the amount of the stock of the public utility affected already owned or held by applicant, if any.

(c) Price proposed to be paid for the stock, the terms of payment with the market value thereof, the highest and lowest price during the period of at least one year prior to the application, and dividends, if any, paid for a period of five years.

**Rule 16. Stocks, Bonds, Notes and Other Evidences of Indebtedness—Applications for Order Authorizing Issue of.**—When application is made by any public utility for an order authorizing the issue of stock or stock certificates, or bonds, notes or other evidences of indebtedness payable at periods of not more than twelve months after the date thereof, under the provisions of section 52 of the Public Utilities Act.

1. The petition, in addition to the requirements of Rule 9, shall state:

(a) The financial condition of the applicant as defined in Rule 1, subd. 6, and a description of the railroad, street railroad, line, plant or system, and equipment of the applicant, with its original cost, where possible, and its cost to the applicant, and the amount of its stock held by other corporations and their names, and the kind of stock held by each. If it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kind of stock, if any, which the public utility desires to issue, and, if preferred, the nature and extent of the preference: the amount of bonds, notes or other evidences of indebtedness, if any, which the public utility desires to issue, with terms, rate of interest, and whether and how to be secured.

(c) The use to which the capital to be secured by the issue of such stock or stock certificates, or bonds, notes or other evidences of indebtedness is to be put, with a definite statement of how much is to be used severally for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service, the discharge or refunding of obligations, and the reimbursement of moneys actually expended from income or from any other moneys in the treasury, as provided by section 52 of the Public Utilities Act.

(d) The property in detail which is to be acquired, with its value, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. If it is proposed to discharge or refund obligations or to reimburse moneys actually expended, a statement of the nature and description of such obligations and expenditures, including the par value of the obligations and the amount for which they were actually sold and the application of the proceeds and of the moneys expended, showing when, to whom and for what paid or applied.

(e) Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the reimbursement of expenditures,



or for the disposition of any of the stock or stock certificates, or bonds, notes or other evidences of indebtedness which it is proposed to issue or the proceeds thereof, and if any contracts have been made, copies thereof shall be annexed to the petition.

(f) Whether any of the outstanding stock or stock certificates or bonds, notes or other evidences of indebtedness of the public utility have been issued or used in capitalizing the right to be a corporation, or any franchise or permit, or the right to own, operate, or enjoy any such franchise or permit, or any contract for consolidation or lease, and, if so, the amount thereof and the franchise, right, contract or lease so capitalized.

(g) If the stock or stock certificates are to be issued by a corporation formed by the merger or consolidation of two or more corporations, the petition shall contain a complete statement of the financial condition of the corporations so to be merged or consolidated of the kind required by subdivision (a) hereinbefore set forth, and of their capital stock at the par value thereof.

(h) Such other facts as may be pertinent to the application.

2. With the petition must be filed:

(a) A certificate or proposed certificate of proceedings at the meeting of directors and stockholders authorizing the issue of the desired securities with a copy of the mortgage, if any.

(b) A certified list of the certificates of stock already outstanding, with the shares of stock represented by each certificate, and the amounts paid to the public utility on each certificate as originally issued, either in money, labor or property, stating the amount of each.

(c) Maps, profiles, plans and plats of proposed property and construction showing—

1. In the case of railroads, including street railroads, all information required by the Commission's General Order No. 14.

2. In the case of other public utilities, such certified maps and plans as will indicate to the Commission the property to be acquired and the location, extent and character of the proposed construction.

(d) Original deeds of property or certified copies thereof covered by proposed issue, with a detailed statement of its actual cost.

(e) Certified copies of all contracts for the acquisition of proposed property and equipment and for construction, with plans and specifications of such buildings and structures as may have been designed.

(f) Complete inventory of all property and equipment proposed to be acquired, prepared upon or in accordance with blank forms and specifications prescribed by the Commission, and a statement of the cost thereof.

(g) A certified statement of all cash bonuses and other donations of property received, if any.

3. If the application is granted, in whole or in part, the Commission's order will:

(c) Any other facts which may make an extension of time necessary or proper.

(d) The further period of time deemed necessary by the applicant within which to make and file such report, statement or data or to comply with such order.

2. The Commission may direct a hearing upon said petition and in that event the applicant shall attend before the Commission or the commissioner holding the hearing and produce such witnesses and documents as the Commission may require.

**Rule 21. Other Applications.**—All applications relating to matters over which the Commission has jurisdiction, and which are not governed by any of the preceding rules, shall be made by petition, setting forth the name and address of the applicant and the matter with reference to which the Commission's order, authorization or permission is desired. Thereupon the procedure shall be such as the Commission may prescribe.

**Rule 22. Deviations from Rules—Authorizations for.**—In special cases, for good cause shown, the Commission may permit deviations from these rules in so far as it may find compliance therewith to be impossible or impracticable.

**Rule 23. Amendment of Rules.**—The rules may be amended at any regular session of the Commission.

**Rule 24. Forms Prescribed for Use.**—The following forms may be used in cases to which they are applicable, with such modifications as the circumstances may render necessary:

1. Formal Complaint.
2. Formal Application.
3. Order to Satisfy or Answer a Complaint.
4. Answer.
5. Notice of Hearing on Complaint.
6. Published Notice of Hearing on Application.

#### No. 1.

#### Form of Formal Complaint.

Before the Railroad Commission of the State of California.

(Insert name of complainant),  
Complainant,

vs.

(Insert name of defendant),  
Defendant.

No. ....

(To be inserted by the secretary of the  
Commission.)

#### COMPLAINT.

The complaint of (here insert full name of complainant) respectfully shows:

(1) That (here state occupation and postoffice address of complainant).

(2) That (here insert full name, occupation and postoffice address of defendant).

(3) That (here insert fully, clearly and with reasonable certainty the act or thing done or omitted to be done which complainant claims constitutes a cause of complaint, with reference, where practicable, to the law, order or rule, and the section or sections thereof, of which a violation is claimed).

Wherefore, complainant asks (here state specifically the relief to which complainant believes he is entitled).

Dated at ....., California, this .... day of ....., 191....

.....  
(Complainant's name.)

.....  
(Name and address of attorney, if any.)

State of California,  
..... County of .....,—ss.

(Insert name of complainant or other person qualified to verify), being first duly sworn, deposes and says: that he is the complainant in the action entitled as above; that he has read the foregoing complaint and knows the contents thereof; and that the same is true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters he believes it to be true.

.....  
Subscribed and sworn to before me, this .... day of ....., 191....

.....  
Notary Public in and for the County ..... of ....., State of California.

No. 2.

### Form of Formal Application.

Before the Railroad Commission of the State of California.

<p><i>In the Matter of the Application of</i> (here insert name of applicant) <i>for</i> (here insert desired order, authorization, permission or certificate, thus: "order authorizing issue of stocks and bonds").</p>	}	<p>No. .... (To be inserted by the secretary of the Commission.)</p>
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### APPLICATION.

The petition of (here insert name of applicant) respectfully shows:

1. That (here insert principal place of business or postoffice address, character of business and territorial extent thereof, of applicant).

2. That (here insert fully, clearly and with reasonable certainty, the facts required by these rules and any additional facts which the appli-

cant desires to state to show the relief which he desires and the facts on which it is based).

*Wherefore*, petitioner asks that the Railroad Commission of the State of California (here state specifically the action which the applicant desires the Railroad Commission to take).

Dated at ....., California, this .... day of ....., 191....

Verification.

.....  
(Petitioner's name.)

.....  
(Name and address of  
attorney, if any.)

No. 3.

### Form of Order to Satisfy or Answer a Complaint.

Before the Railroad Commission of the State of California.

(Insert name of complainant),

Complainant,

vs.

(Insert name of defendant),

Defendant.

No. ....

(To be inserted by the secretary of the  
Commission.)

### ORDER TO SATISFY OR ANSWER.

To (here insert name and address of defendant):

You are hereby notified that a complaint has been filed in the action entitled as above against you as defendant, and you are hereby ordered to satisfy the matters therein complained of or to answer said complaint in writing within ten (10) days from the service upon you of this order and the copy of said complaint which is hereunto attached.

By order of the Railroad Commission.

Dated at San Francisco, California, this .... day of ....., 191....

.....  
Secretary Railroad Commission  
of the State of California.

(Railroad Commission Seal.)

## No. 4.

**Form of Answer to Formal Complaint.**

Before the Railroad Commission of the State of California.

(Insert name of complainant),  
Complainant,  
vs.

(Insert name of defendant),  
Defendant.

No. ....

(To be inserted by the secretary of the  
Commission.)

**ANSWER.**

The above-named defendant, for answer to the complaint in this proceeding, respectfully states:

1. That (here follow specific denials of such material allegations of the complaint as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue numbering each succeeding paragraph).

Wherefore, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Verification.)

.....,  
(Name of defendant.)

## No. 5.

**Form of Notice of Hearing on Complaint.**

Before the Railroad Commission of the State of California.

(Insert name of complainant),  
Complainant,  
vs.

(Insert name of defendant),  
Defendant.

No. ....

(To be inserted by the secretary of the  
Commission.)

**NOTICE OF HEARING.**

To (here insert names of all parties):

You and each of you are hereby notified that the Railroad Commission of the State of California has set the above-entitled case for hearing before Commissioner ..... on (day of week), the (day of month) day of (name of month), 191...., at .... o'clock .... M., in the office of the Commission, Room ....., Commercial Building, San Fran-

cisco, California, at which time and place you will be given an opportunity to be heard.

By order of the Railroad Commission.

Dated at San Francisco, California, this .... day of ....., 191....

.....  
Secretary Railroad Commission  
of the State of California.

(Railroad Commission Seal.)

No. 6.

### Form of Published Notice of Hearing on Application.

Before the Railroad Commission of the State of California.

*In the Matter of the Application of*  
(here insert name of applicant)  
*for* (here insert desired order,  
authorization, permission or cer-  
tificate).

No. ....

(To be inserted by the secretary of the  
Commission.)

### NOTICE OF HEARING.

Notice is hereby given that the application of (name of applicant in full) for the (approval, determination, consent, permission, certificate or authorization) of the Railroad Commission of the State of California to (here state nature of consent asked) will be heard before Commissioner ..... at the office of the Commission in the Commercial Building, San Francisco, California, on (day of week), the (day of month) day of (name of month), 191...., at .... o'clock ....M.

By order of the Railroad Commission.

Dated at San Francisco, California, this .... day of ....., 191....

.....  
Secretary Railroad Commission  
of the State of California.

## THE FEDERAL FOOD AND DRUGS ACTS.

(June 30, 1906, as Amended August 23, 1912.)

**Manufacture of Food or Drug Which is Adulterated or Misbranded—Misdemeanor.**—It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall

be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

**Sale, Transportation, etc.—Article Intended for Export.**—Sec. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

**Rules and Regulations.**—Sec. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of goods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any

State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

**Examinations of Foods and Drugs.**—Sec. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

**Duty of District Attorney.**—Sec. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

**"Drug" and "Food" Defined.**—Sec. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

**What Deemed Adulterated.**—Sec. 7. That for the purposes of this act an article shall be deemed to be adulterated:

**Drugs.**—In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, that no drug defined in



the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

**Confectionery.**—In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

**Food.**—In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

**What Deemed Misbranded.**—Sec. 8. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded:

**Drugs.**—In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

**Food.**—In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* that reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section three of this act.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided,* that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided,*

that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

**Guaranty.**—Sec. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

**Condemnation.**—Sec. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, that upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

**Examination of Samples of Imported Goods and Proceedings Against Such Goods.**—Sec. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, that the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon; and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, that all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

**“Territory” and “Person” Defined.**—Sec. 12. That the term “Territory” as used in this act shall include the insular possessions of the United States. The word “person” as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

**Act in Force.**—Sec. 13. That this act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

## **RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE FOOD AND DRUGS ACT.**

### **GENERAL.**

**Regulation 1. Short Title of the Act.**—The act, "For preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, shall be known and referred to as "The Food and Drugs Act, June 30, 1906."

**Regulation 2. Original Unbroken Package.**—The term "original unbroken package" as used in this act is the original package, carton, case, can, box, barrel, bottle, phial, or other receptacle put up by the manufacturer, to which the label is attached, or which may be suitable for the attachment of a label, making one complete package of the food or drug article. The original package contemplated includes both the wholesale and the retail package.

**Regulation 3. Collection of Samples.**—Samples of unbroken packages shall be collected only by authorized agents of the Department of Agriculture, or by the health, food, or drug officer of any State, Territory, or the District of Columbia, when commissioned by the Secretary of Agriculture for this purpose.

Samples may be purchased in the open market, and, if in bulk, the marks, brands, or tags upon the package, carton, container, wrapper, or accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of the purchase. The collectors shall purchase representative samples.

A sample taken from bulk goods shall be divided into three parts, and each shall be labeled with the identifying marks.

If a package be less than 4 pounds, or in volume less than 2 quarts, three packages shall be purchased, when practicable, and the marks and tags upon each noted as above. When three samples are purchased, one sample shall be delivered to the Bureau of Chemistry or to such chemist or examiner as may be designated by the Secretary of Agriculture; the second and third samples shall be held under seal by the Secretary of Agriculture, who, upon request, shall deliver one of such samples to the party from whom purchased or to the party guaranteeing such merchandise.

When it is impracticable to collect three samples, or to divide the sample or samples, the order of delivery outlined above shall obtain, and in case there is a second sample the Secretary of Agriculture may, at his discretion, deliver such sample to parties interested.

All samples shall be sealed by the collector with a seal provided or the purpose.

**Regulation 4. Methods of Analysis.**—Unless otherwise directed by the Secretary of Agriculture, the methods of analysis employed shall

be those prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopœia.

**Regulation 5. Hearings.**—(a) When the examination or analysis shows that samples are adulterated or misbranded within the meaning of this act notice of that fact shall be given in every case to the party or parties against whom prosecution lies under this act for the shipment or manufacture or sale of the particular product and such other interested parties as the Secretary of Agriculture may direct, and a date shall be fixed at which such party or parties may be heard before the Secretary of Agriculture or such other person as he may direct. The hearings shall be had at places designated by the Secretary of Agriculture most convenient for all parties concerned. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorney and may submit oral or written evidence to show any fault or error in the findings of the analyst or examiner. Interested parties may present proper interrogatories to analysts, to be submitted to and propounded by the Secretary of Agriculture or the officer conducting the hearing. Such privilege, however, shall not include the right of cross-examination. The Secretary of Agriculture may order a re-examination of the sample or have new samples drawn for further examination.

(b) If, after hearings held, it appears that a violation of the act has been committed, the Secretary of Agriculture shall give notice to the proper United States attorney.

(c) Any health, food, or drug officer or agent of any State, Territory, or the District of Columbia who shall obtain satisfactory evidence of any violation of the Food and Drugs Act, June 30, 1906, as provided by section 5 thereof, shall first submit the same to the Secretary of Agriculture in order that he may give notice and fix dates for hearings to the proper parties.

**Regulation 6. Publication.**—(a) When a judgment of the court shall have been rendered there may be a publication of the findings of the examiner or analyst, together with the findings of the court.

(b) This publication may be made in the form of circulars, notices, or bulletins, as the Secretary of Agriculture may direct, not less than thirty days after judgment.

(c) If an appeal be taken from the judgment of the court before such publication, notice of the appeal shall accompany the publication.

**Regulation 7. Standards for Drugs.**—(a) A drug bearing a name recognized in the United States Pharmacopœia or National Formulary, without any further statement respecting its character, shall be required to conform in strength, quality, and purity to the standards prescribed or indicated for a drug of the same name recognized in the United States Pharmacopœia or National Formulary, official at the time.

(b) A drug bearing a name recognized in the United States Pharmacopœia or National Formulary, and branded to show a different stand-

ard of strength, quality, or purity, shall not be regarded as adulterated if it conforms to its declared standard.

**Regulation 8. Formulas—Proprietary Foods.**—(a) Manufacturers of proprietary foods are only required to state upon the label the names and percentages of the materials used, in so far as the Secretary of Agriculture may find this to be necessary to secure freedom from adulteration and misbranding.

(b) The factories in which proprietary foods are made shall be open at all reasonable times to the inspection provided for in Regulation 16.

**Regulation 9. Form of Guaranty.**—(a) No dealer in food or drug products will be liable to prosecution if he can establish that the goods were sold under a guaranty by the wholesaler, manufacturer, jobber, dealer, or other party residing in the United States from whom purchased.

(b) A general guaranty may be filed with the Secretary of Agriculture by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed by [insert name of guarantor] under the food and drugs act, June 30, 1906."

(c) The following form of guaranty is suggested:

I (we) the undersigned do hereby guarantee that the articles of foods or drugs manufactured, packed, distributed, or sold by me (us) [specifying the same as fully as possible] are not adulterated or misbranded within the meaning of the food and drugs act, June 30, 1906.

(Signed in ink.)

.....  
[Name and place of business of wholesaler, dealer, manufacturer, jobber, or other party.]

(d) If the guaranty be not filed with the Secretary of Agriculture as above, it should identify and be attached to the bill of sale, invoice, bill of lading, or other schedule giving the names and quantities of the articles sold.

### ADULTERATION.

**Regulation 10. Confectionery.**—(a) Mineral substances of all kinds (except as provided in Regulation 15) are specifically forbidden in confectionery whether they be poisonous or not.

(b) Only harmless colors or flavors shall be added to confectionery.

(c) The term "narcotic drugs" includes all the drugs mentioned in section 8, food and drugs act, June 30, 1906, relating to foods, their derivatives and preparations, and all other drugs of a narcotic nature.

**Regulation 11. Substances Mixed and Packed With Foods.**—No substance may be mixed or packed with a food product which will reduce or lower its quality or strength. Not excluded under this provision are substances properly used in the preparation of food products for clarification or refining, and eliminated in the further process of manufacture.

**Regulation 12. Coloring, Powdering, Coating, and Staining.**—(a) Only harmless colors may be used in food products.

(b) The reduction of a substance to a powder to conceal inferiority in character is prohibited.

(c) The term "powdered" means the application of any powdered substance to the exterior portion of articles of food, or the reduction of a substance to a powder.

(d) The term "coated" means the application of any substance to the exterior portion of a food product.

(e) The term "stain" includes any change produced by the addition of any substance to the exterior portion of foods which in any way alters their natural tint.

**Regulation 13. Natural Poisonous or Deleterious Ingredients.**—Any food product which contains naturally a poisonous or deleterious ingredient does not come within the provisions of the food and drugs act, June 30, 1906, except when the presence of such ingredient is due to filth, putrescence, or decomposition.

**Regulation 14. External Application of Preservatives.**—(a) Poisonous or deleterious preservatives shall only be applied externally, and they and the food products shall be of a character which shall not permit the permeation of any of the preservative to the interior, or any portion of the interior, of the product.

(b) When these products are ready for consumption, if any portion of the added preservative shall have penetrated the food product, then the proviso of section 7, paragraph 5, under "Foods," shall not obtain, and such food products shall then be subject to the regulations for food products in general.

(c) The preservative applied must be of such a character that, until removed, the food products are inedible.

**Regulation 15. Wholesomeness of Colors and Preservatives.**—(a) Respecting the wholesomeness of colors, preservatives, and other substances which are added to foods, the Secretary of Agriculture shall determine from chemical or other examination, under the authority of the agricultural appropriation act, Public 382, approved June 30, 1906, the names of those substances which are permitted or inhibited in food products; and such findings, when approved by the Secretary of the Treasury and the Secretary of Commerce and Labor, shall become a part of these regulations.

(b) The Secretary of Agriculture shall determine from time to time, in accordance with the authority conferred by the agricultural appropriation act, Public 382, approved June 30, 1906, the principles which shall guide the use of colors, preservatives, and other substances added to foods; and when concurred in by the Secretary of the Treasury and the Secretary of Commerce and Labor, the principles so established shall become a part of these regulations.

(c) It having been determined that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health, no objection will be raised under the food and drugs act to the use in food of benzoate of soda, provided that each container or package of



such food is plainly labeled to show the presence and amount of benzoate of soda. Food Inspection Decisions 76 and 89 are amended accordingly.

(d) It having been determined that saccharin mixed with food is an added poisonous and deleterious ingredient such as is contemplated by the act, and also that the substitution of saccharin for sugar in foods reduces and lowers their quality, the Secretary of Agriculture will regard as adulterated under the food and drugs act foods containing saccharin which, on or after April 1, 1912, are manufactured or offered for sale in the District of Columbia or Territories or shipped in interstate or foreign commerce, or offered for importation into the United States. (F. I. D. 135, 138, and 142, dated April 26 and June 20, 1911, and March 1, 1912, respectively.)

**Regulation 16. Character of the Raw Materials.**—(a) The Secretary of Agriculture, when he deems it necessary, shall examine the raw materials used in the manufacture of food and drug products, and determine whether any filthy, decomposed, or putrid substance is used in their preparation.

(b) The Secretary of Agriculture shall make such inspections as often as he may deem necessary.

#### MISBRANDING.

**Regulation 17. Label.**—(a) The term "label" applies to any printed, pictorial or other matter upon or attached to any package of a food or drug product, or any container thereof subject to the provisions of this act.

(b) The principal label shall consist, first, of all information which the food and drugs act, June 30, 1906, specifically requires, to wit, the name of the place of manufacture in the case of food compounds or mixtures sold under a distinctive name; statements which show that the articles are compounds, mixtures, or blends; the words "compound," "mixture," or "blend," and words designating substances or their derivatives and proportions required to be named in the case of foods and drugs. All this information shall appear upon the principal label, and should have no intervening descriptive or explanatory reading matter. Second, if the name of the manufacturer and place of manufacture are given, they should also appear upon the principal label. Third, preferably upon the principal label, in conjunction with the name of the substance, such phrases as "artificially colored," "colored with sulphate of copper," or any other such descriptive phrases necessary to be announced should be conspicuously displayed. Fourth, elsewhere upon the principal label other matter may appear in the discretion of the manufacturer. If the contents are stated in terms of weight or measure, such statement should appear upon the principal label and must be couched in plain terms, as required by Regulation 29.

(c) If the principal label is in a foreign language, all information required by law and such other information as indicated above in (b)

shall appear upon it in English. Besides the principal label in the language of the country of production, there may be also one or more other labels, if desired, in other languages, but none of them more prominent than the principal label, and these other labels must bear the information required by law, but not necessarily in English. The size of the type used to declare the information required by the act shall not be smaller than 8-point (brevier) capitals: *Provided*, That in case the size of the package will not permit the use of 8-point type, the size of the type may be reduced proportionately.

(d) Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular. The term "design" or "device" applies to pictorial matter of every description, and to abbreviations, characters, or signs for weights, measures, or names of substances.

(e) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent.

In the case of drugs the nomenclature employed by the United States Pharmacopœia and the National Formulary shall obtain.

(f) The use of any false or misleading statement, design, or device appearing on any part of the label shall not be justified by any statement given as the opinion of an expert or other person, nor by any descriptive matter explaining the use of the false or misleading statement, design, or device.

**Regulation 18. Name and Address of Manufacturer.**—(a) The name of the manufacturer or producer, or the place where manufactured, except in case of mixtures and compounds having a distinctive name, need not be given upon the label, but if given, must be the true name and the true place. The words "packed for . . . . .," "distributed by . . . . .," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer, or the name of the place not the actual place of manufacture or production.

(b) When a person, firm, or corporation actually manufactures or produces an article of food or drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when in the opinion of the Secretary of Agriculture the mention of any such place, to the exclusion of the others, misleads the public.

**Regulation 19. Character of Name.**—(a) A simple or unmixed food or drug product not bearing a distinctive name should be designated by its common name in the English language; or if a drug, by any name recognized in the United States Pharmacopœia or National Formulary. No further description of the components or qualities is required, except as to content of alcohol, morphine, etc.

(b) The use of a geographical name shall not be permitted in connection with a food or drug product not manufactured or produced in that place, when such name indicates that the article was manufactured or produced in that place.

(c) The use of a geographical name in connection with a food or drug product will not be deemed a misbranding when by reason of long usage it has come to represent a generic term and is used to indicate a style, type, or brand; but in all such cases the State or Territory where any such article is manufactured or produced shall be stated upon the principal label.

(d) A foreign name which is recognized as distinctive of a product of a foreign country, shall not be used upon an article of domestic origin except as an indication of the type or style of quality or manufacture, and then only when so qualified that it cannot be offered for sale under the name of a foreign article.

**Regulation 20. Distinctive Name.**—(a) A “distinctive name” is a trade, arbitrary, or fancy name which clearly distinguishes a food product, mixture, or compound from any other food product, mixture, or compound.

(b) A distinctive name shall not be one representing any single constituent of a mixture or compound.

(c) A distinctive name shall not misrepresent any property or quality of a mixture or compound.

(d) A distinctive name shall give no false indication of origin, character, or place of manufacture, nor lead the purchaser to suppose that it is any other food or drug product.

**Regulation 21. Compounds, Imitations, or Blends Without Distinctive Name.**—(a) The term “blend” applies to a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

(b) If any age is stated, it shall not be that of a single one of its constituents, but shall be the average of all constituents in their respective proportions.

(c) Coloring and flavoring cannot be used for increasing the weight or bulk of a blend.

(d) In order that colors or flavors may not increase the volume or weight of a blend, they are not to be used in quantities exceeding 1 pound to 800 pounds of the blend.

(e) A color or flavor cannot be employed to imitate any natural product or any other product of recognized name and quality.

(f) The term “imitation” applies to any mixture or compound which is a counterfeit or fraudulent simulation of any article of food or drug.

**Regulation 22. Articles Without a Label.**—It is prohibited to sell or offer for sale a food or drug product bearing no label upon the package or no descriptive matter whatever connected with it, either by design, device, or otherwise, if said product be an imitation of or offered for sale under the name of another article.

**Regulation 23. Proper Branding not a Complete Guaranty.**—Packages which are correctly branded as to character of contents, place of manufacture, name of manufacturer, or otherwise, may be adulterated and hence not entitled to enter into interstate commerce.

**Regulation 24. Incompleteness of Branding.**—A compound shall be deemed misbranded if the label be incomplete as to the names of the required ingredients. A simple product does not require any further statement than the name or distinctive name thereof, except as provided in Regulations 19 (a) and 28.

**Regulation 25. Substitution.**—(a) When a substance of a recognized quality commonly used in the preparation of a food or drug product is replaced by another substance not injurious or deleterious to health, the name of the substituted substance shall appear upon the label.

(b) When any substance which does not reduce, lower, or injuriously affect its quality or strength, is added to a food or drug product, other than that necessary to its manufacture or refining, the label shall bear a statement to that effect.

**Regulation 26. Waste Materials.**—When an article is made up of refuse materials, fragments, or trimmings, the use of the name of the substance from which they are derived, unless accompanied by a statement to that effect, shall be deemed a misbranding. Packages of such materials may be labeled "pieces," "stems," "trimmings," or with some similar appellation.

**Regulation 27. Mixtures or Compounds With Distinctive Names.**—(a) The terms "mixtures" and "compounds" are interchangeable and indicate the results of putting together two or more food products.

(b) These mixtures or compounds shall not be imitations of other articles, whether simple, mixed, or compound, or offered for sale under the name of other articles. They shall bear a distinctive name and the name of the place where the mixture or compound has been manufactured or produced.

(c) If the name of the place be one which is found in different States, Territories, or countries, the name of the State, Territory, or country, as well as the name of the place, must be stated.

**Regulation 28. Substances Named in Drugs or Foods.**—(a) The term "alcohol" is defined to mean common or ethyl alcohol. No other kind of alcohol is permissible in the manufacture of drugs except as specified in the United States Pharmacopœia or National Formulary.

(b) The words alcohol, morphine, opium, etc., and the quantities and proportions thereof, shall be printed in letters corresponding in size with those prescribed in Regulation 17, paragraph (c).

(c) A drug, or food product except in respect of alcohol, is misbranded in case it fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate,

or acetanilide, or any derivative or preparation of any such substances contained therein.

(d) A statement of the maximum quantity or proportion of any such substances present will meet the requirements, provided the maximum stated does not vary materially from the average quantity or proportion.

(e) In case the actual quantity or proportion is stated it shall be the average quantity or proportion with the variations noted in Regulation 29.

(f) The following are the principal derivatives and preparations made from the articles which are required to be named upon the label:

**ALCOHOL, ETHYL:** (*Cologne spirits, Grain alcohol, Rectified spirits, Spirits, and Spirits of wine.*)

*Derivatives—*

Aldehyde, Ether, Ethyl acetate, Ethyl nitrite, and Paraldehyde.

*Preparations containing alcohol—*

Bitters, Brandies, Cordials, Elixirs, Essences, Fluid extracts, Spirits, Sirups, Tinctures, Tonics, Whiskies, and Wines.

**MORPHINE, ALKALOID:**

*Derivatives—*

Apomorphine, Dionine, Peronine, Morphine acetate, Hydrochloride, Sulphate, and other salts of morphine.

*Preparations containing morphine or derivatives of morphine—*

Bougies, Catarrh Snuff, Chlorodyne, Compound powder of morphine, Crayons, Elixirs, Granules, Pills, Solutions, Sirups, Suppositories, Tablets, Triturates, and Troches.

**OPIUM, GUM:**

*Preparations of opium—*

Extracts, Denarcotized opium, Granulated opium, and Powdered opium, Bougies, Brown mixture, Carminative mixtures, Crayons, Dover's powder, Elixirs, Liniments, Ointments, Paregoric, Pills, Plasters, Sirups, Suppositories, Tablets, Tinctures, Troches, Vinegars, and Wines.

*Derivatives—*

Codeine, Alkaloid, Hydrochloride, Phosphate, Sulphate, and other salts of codeine.

*Preparations containing codeine or its salts—*

Elixirs, Pills, Sirups, and Tablets.

**COCAINE, ALKALOID:**

*Derivatives—*

Cocaine hydrochloride, Oleate, and other salts.

*Preparations containing cocaine or salts of cocaine—*

Coca leaves, Catarrh powders, Elixirs, Extracts, Infusion of coca, Ointments, Paste pencils, Pills, Solutions, Sirups, Tablets, Tinctures, Troches, and Wines.

**HEROIN :***Preparations containing heroin—*

Sirups, Elixirs, Pills, and Tablets.

**ALPHA AND BETA EUCAINE :***Preparations—*

Mixtures, Ointments, Powders, and Solutions.

**CHLOROFORM :***Preparations containing chloroform—*

Chloranodyne, Elixirs, Emulsions, Liniments, Mixtures, Spirits and Sirups.

**CANNABIS INDICA :***Preparations of cannabis indica—*

Corn remedies, Extracts, Mixtures, Pills, Powders, Tablets, and Tinctures.

**CHLORAL HYDRATE (Chloral, U. S. Pharmacopœia, 1890) :***Derivatives—*

Chloral acetophenonoxim, Chloral alcoholate, Chloralamide, Chloralimide, Chloral orthoform, Chloralose, Dormiol, Hypnal, and Uraline.

*Preparations containing chloral hydrate or its derivatives—*

Chloral camphorate, Elixirs, Liniments, Mixtures, Ointments, Suppositories, Sirups, and Tablets.

**ACETANILIDE (Antifebrine, Phenylacetamide) :***Derivatives—*

Acetphenetidine, Citrophene, Diacetanilide, Lactophenin, Methoxyacetanilide, Methylacetanilide, Para-Iodoacetanilide, and Phenacetine.

*Preparations containing acetanilide or derivatives—*

Analgesics, Antineuralgics, Antirheumatics, Cachets, Capsules, Cold remedies, Elixirs, Granular effervescing salts, Headache powders, Mixtures, Pain remedies, Pills, and Tablets.

(g) In declaring the quantity or proportion of any of the specified substances the names by which they are designated in the act shall be used, and in declaring the quantity or proportion of derivatives of any of the specified substances, in addition to the trade name of the derivative, the name of the specified substance shall also be stated, so as to indicate clearly that the product is a derivative of the particular specified substance.

**Regulation 29. Statement of Weight or Measure.**—(a) A statement of the weight or measure of the food contained in a package is not required. If any such statement is printed, it shall be a plain and correct statement of the average net weight or volume, either on or immediately above or below the principal label, and of the size of letters specified in Regulation 17.

(b) A reasonable variation from the stated weight for individual packages is permissible, provided this variation is as often above as below the weight or volume stated. This variation shall be determined by the inspector from the changes in the humidity of the atmosphere, from the exposure of the package to evaporation or to absorption of water, and the reasonable variations which attend the filling and weighing or measuring of a package.

**Regulation 30. Method of Stating Quantity or Proportion.**—In the case of alcohol the expression “quantity” or “proportion” shall mean the average percentage by volume in the finished product. In the case of the other ingredients required to be named upon the label, the expression “quantity” or “proportion” shall mean grains or minims per ounce or fluid ounce, and also, if desired, the metric equivalents therefor, or milligrams per gram or per cubic centimeter, or grams or cubic centimeters per kilogram or per liter; provided that these articles shall not be deemed misbranded if the maximum of quantity or proportion be stated, as required in Regulation 28 (d).

### **EXPORTS AND IMPORTS OF FOODS AND DRUGS.**

**Regulation 31. Preparation of Food Products for Export.**—(a) Food products intended for export may contain added substances not permitted in foods intended for interstate commerce, when the addition of such substances does not conflict with the laws of the countries to which the food products are to be exported and when such substances are added in accordance with the directions of the foreign purchaser or his agent.

(b) The exporter is not required to furnish evidence that goods have been prepared or packed in compliance with the laws of the foreign country to which said goods are intended to be shipped, but such shipment is made at his own risk.

(c) Food products for export under this regulation shall be kept separate and labeled to indicate that they are for export.

(d) If the products are not exported they shall not be allowed to enter interstate commerce.

**Regulation 32. Imported Food and Drug Products.**—(a) Meat and meat food products imported into the United States shall be accompanied by a certificate of official inspection of a character to satisfy the Secretary of Agriculture that they are not dangerous to health, and each package of such articles shall bear a label which shall identify it as covered by the certificate, which certificate shall accompany or be attached to the invoice on which entry is made.

(b) The certificate shall set forth the official position of the inspector and the character of the inspection.

(c) Meat and meat food products as well as all other food and drug products of a kind forbidden entry into or forbidden to be sold, or restricted in sale in the country in which made or from which exported, will be refused admission.





**Regulation 36. Notification of Violation of the Law.**—If the sample on analysis or examination be found not to comply with the law, the importer shall be notified of the nature of the violation, the time and place at which final action will be taken upon the question of the exclusion of the shipment, and that he may be present, and submit evidence (Form No. 5), which evidence, with a sample of the article, shall be forwarded to the Bureau of Chemistry at Washington, accompanied by the appropriate report card.

**Regulation 37. Appeal to the Secretary of Agriculture and Remuneration.**—All applications for relief from decisions arising under the execution of the law should be addressed to the Secretary of Agriculture, and all vouchers or accounts for remuneration for samples shall be filed with the chief of the inspection laboratory, who shall forward the same, with his recommendation, to the Department of Agriculture for action.

**Regulation 38. Shipment Beyond the Jurisdiction of the United States.**—The time allowed the importer for representations regarding the shipment may be extended at his request to permit him to secure such evidence as he desires, provided that this extension of time does not entail any expense to the Department of Agriculture. If at the expiration of this time, in view of the data secured in inspecting the sample and such evidence as may have been submitted by the manufacturers or importers, it appears that the shipment cannot be legally imported into the United States, the Secretary of Agriculture shall request the Secretary of the Treasury to refuse to deliver the shipment in question to the consignee, and to require its reshipment beyond the jurisdiction of the United States.

**Regulation 39.** [Revoked June 13, 1913.]

**Regulation 40. Alteration and Amendment of Regulations.**—These regulations may be altered or amended at any time, without previous notice, with the concurrence of the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor.

## **GUARANTIES—THEIR NATURE AND USE.**

Both the State and federal foods and drugs acts contain provisions enabling every dealer, whether wholesaler or retailer, to protect himself against prosecution for the sale of adulterated or mislabeled articles which have been produced, manufactured, or packed by someone else.

By the simple means of requiring that a guaranty be given with all goods purchased (except as hereinafter noted), the dealer may shift the responsibility to the person from whom he buys. This, however is something that the dealer must do for himself, and he must investigate the subject of guaranties sufficiently to know that he is protected.

It is believed that if dealers will study the following synopsis of the law on this subject, and will carefully comply with the suggestions therein made, they will have no difficulty in avoiding prosecution for any adulteration or misbranding done by anyone except themselves.

Guaranties, under the California Foods and Drugs Acts, are of two kinds, general and specific.

**General Guaranty.**—1. The general guaranty must be filed with the Secretary of Agriculture, in Washington, D. C. It must refer to the California law, and must be in the following form:

I (we), the undersigned, do hereby guarantee that the articles of foods, liquors, and drugs manufactured, produced, prepared, compounded, packed, distributed, or sold by me (us) (specifying the same as fully as possible) are not adulterated or misbranded within the meaning of the Food and Drugs Act, June 30, 1906, and are not adulterated, mislabeled, or misbranded, within the meaning of the California Pure Foods Act, March 11, 1907, or the California Pure Drugs Act, March 11, 1907.

Dated, .....

(Signed in ink.)

.....  
(Name, place of business  
and address of the guar-  
antor, and the statement  
as to whether guarantor  
is corporation or copart-  
nership.)

The general guaranty must be acknowledged before a notary public, and, where the guarantor is a corporation, must be accompanied by evidence of the authority of the person executing the guaranty, as agent or officer. Unless these requirements are complied with, the guaranty will not be filed.

The general guaranty will afford protection only as to packages bearing on the label the legend "Guaranteed by (name of guarantor) under the Foods and Drugs Act, June 30, 1906," and the serial number given by the Secretary of Agriculture.

The general guaranty is worthless unless it is filed with the Secretary of Agriculture. Given by the guarantor to the purchaser it affords no protection, for the reason that the acts make no provision for the prosecution of the guarantor in such a case.

**Specific Guaranty.**—2. The specific guaranty must contain the name and address of the guarantor, an itemized statement of the articles purchased, and a statement that they are not misbranded, mislabeled, or adulterated within the meaning of the California law. It must be in substantially the following form:

The undersigned hereby guarantees that the articles of (drugs, foods, or liquors, as the case may be, specifying them), this day sold to (name of dealer) and mentioned in the attached invoice, are not adulterated, misbranded, or mislabeled, within the meaning of the California Pure Foods (or Drugs, as the case may be) Act, March 11, 1907.

Dated, .....

.....  
(Name, place of business  
and address of the guar-  
antor, and the statement  
as to whether guarantor  
is corporation or copart-  
nership.)

A convenient method of using the specific guaranty, which has been adopted by many manufacturers and wholesalers, is to print or stamp the form on all invoices, and sign such invoices as they go out.

A convenient form for use in this manner is the following:

The articles of foods (or drugs, as the case may be) listed in this invoice are guaranteed not to be adulterated, mislabeled, or misbranded within the meaning of the California Pure Foods (or Drugs, as the case may be) Act, March 11, 1907.

.....  
(Name and address of guarantor with statement as to whether guarantor is corporation, partnership, or individual.)

Excepting as to goods covered by general guaranty, filed in Washington and bearing label with the legend and serial number, the dealer will not be protected unless he has a specific guaranty as above indicated, containing an itemized statement of the articles guaranteed.

**Proof.**—Dealers from whom adulterated or misbranded goods are taken by inspectors, in order to protect themselves, must prove that the sample was guaranteed as required by the act. Such proof must be submitted to the State Board of Health at the hearing, or the case will be referred for prosecution. Where the guaranty is specific, it should be submitted, with an affidavit that the sample taken is one of the articles mentioned in the itemized statement, and that when taken the sample was in exactly the same condition as when received by the dealer. Where the guaranty is general, a copy of the general guaranty on file with the Secretary of Agriculture, duly certified by him as correct, a statement under oath that the sample when taken was in exactly the same condition as it was when received by the dealer, and like proof of the time and place of purchase and the name and address of the person of whom the article was purchased, should be submitted.

**General Guaranties, Together With Specific Guaranties.**—It has been the practice of many wholesalers to furnish their customers with general guaranties, together with an agreement to the effect that specific guaranties, covering any particular articles purchased from the guarantor, will be furnished upon demand. This arrangement contemplates that whenever a sample of goods purchased from the guarantor is taken up by an inspector, the dealer shall state the name of the guarantor, and shall at once demand of the latter a specific guaranty to be used for the dealer's protection in case he is cited to appear before the State Board of Health for any violation discovered upon examination of the sample.

The Board has no objection to this plan, but such an arrangement, if made, is at the dealer's own risk, and it must be borne in mind that to afford himself any protection, the dealer must produce the specific guaranty at the hearing, must prove that the article described therein is the identical article taken as a sample, and that the sample when taken was in the same condition, as to label and ingredients, as it was

when purchased from the guarantor. Under these circumstances, the specific guaranty may be given at any time before the hearing.

**Exception as to Foods and Liquors.**—Dealers in foods and liquors must also bear in mind the change made by the amendment to section 22 of the Pure Foods Act, adopted in 1911. Under this amendment (adopted against the protest of this department), to protect himself the dealer must prove a guaranty, and must "also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact."

## CALIFORNIA PURE FOODS ACT.

(Approved March 11, 1907; as amended 1909 and 1911.)

**§ 1. Adulterated, Mislabeled or Misbranded.**—The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other State or Territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any article of food or liquor adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California any such adulterated, mislabeled or misbranded food, or liquor shall be guilty of a misdemeanor; provided, that no article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this act when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provisions of this act.

**§ 2. Term "Food."**—The term "food" as used in this act shall include all articles used for food, drink, liquor, confectionery or condiment by man or other animals, whether simple, mixed, or compound.

**§ 3. Standard of Purity.**—The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture.

**§ 4. Food, When Deemed Adulterated.**—Food shall be deemed adulterated within the meaning of this act, in any of the following cases:

First. If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value.

Second. If any substance has been substituted wholly or in part for the article of food.

Third. If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; provided, that an article of liquor shall not be deemed adulterated, mislabeled or misbranded if it be blended or mixed with like substances so as not to injuriously reduce or injuriously lower or injuriously affect its quality, purity or strength.

Seventh. In the case of confectionery: If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

Eighth. In the case of vinegar: If it be artificially colored.

Ninth. If it does not conform to the standard of purity therefor as proclaimed by the Secretary of the United States Department of Agriculture.

**§ 5. Term "Misbranded."**—That the term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city and county, city, town, State, territory, District of Columbia or foreign country in which it is manufactured, or produced.

**§ 6. Food and Liquor, When Deemed Misbranded.**—Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases:

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser; or if it be falsely labeled in any respect, or if it purport to be a foreign product tend to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type; provided, that an article of food shall not be deemed misbranded, if it be a well-known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions one to four of this section.

Sixth. If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description or representation which is false or misleading in any particular whatever; and in case of eggs and poultry: if they have been kept or packed in cold storage, or otherwise preserved, they must be so indicated by written or printed label or placard plainly designating such fact when offered or exposed for sale.

§ 7. **Package.**—The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any article of food.

§ 8. **Possession.**—The possession of any adulterated, mislabeled or misbranded article of food or liquor by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be *prima facie* evidence of the violation of this act.

§ 9. **State Laboratory.**—For the purposes of this act there is hereby established a state laboratory for the analysis and examination of foods and drugs, which shall be under the supervision of the State Board of Health, which laboratory shall be located at such place as the State Board of Health may select.

**Director.**—The State Board of Health shall appoint a director of said laboratory, and an assistant to such director, both of whom shall be skilled pharmaceutical chemists and analysts of foods and drugs. Said director shall perform all duties required by this act and which shall be required by the State Board of Health. The assistant shall be under the supervision of the director, and shall perform all duties required of him by the director and by the State Board of Health.

**Salaries.**—The director shall receive an annual salary of \$3,000, and the assistant shall receive an annual salary of \$1,500. All such

salaries shall be paid in the same manner and at the same time as the salaries of State officers.

**Compensation.**—The State Board of Health, out of the appropriation hereinafter provided, and out of the funds derived from the operation of this act, may employ and fix the compensation of other and additional clerical and professional assistants.

**§ 10. Analyses.**—The State Board of Health or its secretary, shall cause to be made by the said director of the State Laboratory, examinations and analyses of food and liquor on sale in California, suspected of being adulterated, mislabeled or misbranded at such times and places and to such extent as said board or its secretary may determine, and may appoint such agent or agents, as it may deem necessary, and the sheriffs of the respective counties of the State are hereby appointed and constituted agents for the enforcement of this act, and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded foods exist, and such agent or sheriff upon tendering the market price of said articles, if a sale be refused, may take, from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the said director of the State Laboratory for examination and analysis.

**§ 11. Report to District Attorney.**—It shall be the duty of the State Board of Health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration or misbranding of foods to report such facts to the district attorney of the county where the law is violated, after the hearing provided in section 16 of this act.

**§ 12. Concealing Evidence.**—It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the State Board of Health, any sample of food or liquor upon tender of the market price therefor, or to conceal any such food from such officer, or to withhold from him information where such food is kept or stored. Any such person so refusing to sell, or concealing such food, or withholding such information from said officer shall, upon conviction, be punished as provided in section 19 of the Penal Code of the State of California.

**§ 13. Report to Secretary of State Board of Health.**—Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded food has been on sale in this State, he shall forthwith report to the Secretary of the State Board of Health.

**§ 14. Certificate.**—Every certificate signed by the said director of the State Laboratory shall be *prima facie* evidence of the facts therein stated.

**§ 15. Annual Report.**—The said director of the State Laboratory shall make an annual report to the State Board of Health, on or before August 1st of each year, upon adulterated or misbranded foods and

liquors, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found, mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the State Board of Health, be included in the report which the State Board of Health is already authorized by law to make to the Governor. The State Board of Health may, in its discretion, publish any part of said report in any issue of its monthly bulletin.

**§ 16. Hearing.**—When an examination or analysis of the director of the State Laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the State Board of Health at which said party or parties may be heard before the State Board of Health or before any two members thereof and the secretary. The hearing shall be held in the city of Sacramento, and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the secretary of the State Board of Health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

**§ 17. Sample of Adulterated, Mislabeled or Misbranded Food.**—It is hereby made the duty of the sheriff of any county of this State, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded food complained of, and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise, one sample shall be sent to the director of the State Laboratory and the third sample shall be sent to and held under seal by the State Board of Health.

**§ 18. Fees.**—For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all



amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said supervisors and paid by his said county as other bills of said sheriff.

**§ 19. Duty of District Attorney.**—It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

**§ 20. Penalty.**—Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$5, nor more than \$500, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

**§ 21. Fines.**—One-half of all fines collected by any court or judge, for the violations of the provisions of this act shall be paid to the State Treasurer and the State Treasurer shall deposit such money to the credit of the fund for the maintenance of the State Laboratory, to be drawn against by warrants of the State Controller upon claims which shall be approved by the State Board of Health and by the State Board of Examiners.

**§ 22. Protection by Guaranty.**—No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this act, designating it, and can also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this State, and it appears from the certificate of the director of the State Laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act, or the national pure food act, approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

**§ 23. Appropriation.**—The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purchase of equipment,

apparatus, chemicals and supplies of said laboratory and of the office expenses, in connection with the same and for the compensation of additional assistants and other necessary help. The State Controller is hereby authorized to draw his warrants for the sums herein appropriated in favor of the secretary of the State Board of Health and the State Treasurer is hereby directed to pay the same.

§ 24. **When Act Effective as to Manufacture.**—No article of food as herein defined shall be manufactured or produced in violation of this act from and after the first day of July, 1907.

§ 25. **Acts Repealed.**—All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

§ 26. **When Act Effective Generally.**—This act shall be in force and effect from and after the first day of January, 1908.

## **CALIFORNIA PURE DRUGS LAW.**

(Chapter 186 [Stats. 1907, p. 230], approved March 11, 1907.)

An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof.

§ 1. **Manufacture, Production, Preparation, Compounding, Packing, Selling, Offering for Sale or Keeping for Sale of Drug Which is Adulterated, Mislabeled or Misbranded.**—The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any drug which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other State or Territory, or the District of Columbia, or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any drug adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California, any such adulterated, mislabeled, or misbranded drug, shall be guilty of a misdemeanor; provided, that no article shall be deemed misbranded, mislabeled or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

**§ 2. Term "Drug."**—That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

**§ 3. Standard of Purity.**—The standard of purity of drugs shall be the United States Pharmacopœia and National Formulary, and the regulations and definitions adopted for the enforcement of the National Food and Drugs Act of June 30, 1906, shall be adopted by the State Board of Health for the enforcement of this act.

**§ 4. Drugs Deemed Adulterated When.**—Drugs shall be deemed adulterated within the meaning of this act in any of the following cases:

First—If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation; provided, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the package thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second—If the strength or purity fall below the professed standard or quality under which it is sold.

**§ 5. Term "Misbranded."**—That the term "misbranded" as used herein shall apply to all drugs, the package or label of which shall bear any statement, design, or device, regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug which is falsely branded or labeled as to the county, city and county, city, town, State, Territory District of Columbia or foreign country in which it is manufactured or produced.

**§ 6. Drugs Mislabeled or Misbranded When.**—Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

First—If it be an imitation of or offered for sale under the name of another article.

Second—If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the packages as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaïne, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon.

§ 7. **Term "Package."**—The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel, or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any drug.

§ 8. **Sale or Offering for Sale.**—The sale or offering for sale of any adulterated, mislabeled or misbranded drug by any manufacturer, producer, jobber, packer or dealer in drugs, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer, shall be *prima facie* evidence of the violation of this act.

§ 9. **Examinations and Analyses.**—Whenever required by the State Board of Health or its secretary, examinations and analyses of drugs on sale in California suspected of being adulterated, mislabeled or misbranded, shall be made by the director of the State Laboratory for the examination and analysis of foods and drugs. Said State Board of Health or the secretary may appoint such agent or agents as it may deem necessary for the enforcement of this act, and the sheriffs of the respective counties of the State are hereby appointed and constituted such agents. Any agent or sheriff shall have the right to purchase at the place of business of any manufacturer or dealer, any drug suspected of being adulterated, mislabeled or misbranded within the meaning of this act, tendering the market price of said articles. If a sale be refused, he may take from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled and misbranded, and shall deliver or forward such samples to said director of the State Laboratory for examination and analysis.

§ 10. **Report to the District Attorney.**—It shall be the duty of the State Board of Health, whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration, mislabeling or misbranding of drugs, to report such facts to the district attorney of the county where the law is violated.

§ 11. **Concealing Evidence.**—It shall be a misdemeanor for any person to refuse to sell to any sheriff, or other agent of the State Board of Health, any sample drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored. Any such person so refusing to sell, or concealing such drug, or withholding such information from said officer, shall, upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

§ 12. **Report to Secretary of State Board of Health.**—Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded drugs have been on sale in this state, he shall forthwith report to the secretary of the State Board of Health, and shall promptly transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found.

§ 13. **Certificate.**—Every certificate signed by the said director of the State Laboratory shall be *prima facie* evidence of the facts therein stated.

§ 14. **Annual Report.**—The said director of the State Laboratory shall make an annual report to the State Board of Health, on or before August first of each year, upon adulterated, mislabeled or misbranded drugs, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the State Board of Health, be included in the report which the State Board of Health is already authorized by law to make to the governor. The State Board of Health may, in its discretion, publish any part of said report in any issue of its monthly bulletin.

§ 15. **Hearing.**—When the examination or analysis of the director of the State Laboratory shows that any of the provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the Board of Health, at which time said party or parties may be heard before the State Board of Health or any two members thereof, and the secretary. The hearing shall be held in the city of Sacramento, and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the secretary of the State Board of Health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded.

§ 16. **Sample of Adulterated, Mislabeled or Misbranded Drug.**—It is hereby made the duty of the sheriff of any county of this State, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded drug complained of and divide said article into three parts, and each part be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds, or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing said drug. One sample shall be sent to the director of the State Laboratory, and the third sample shall be sent to and held under seal by the State Board of Health.

§ 17. **Fees.**—For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all accounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said supervisors and paid by his said county as other bills of said sheriff.

§ 18. **Duty of District Attorney.**—It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

§ 19. **Penalty.**—Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Drugs found to be adulterated or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

§ 20. **Fines.**—One-half of all fines collected by any court or judge for the violations of the provisions of this act shall be paid to the State Treasurer, and the State Treasurer shall deposit such money to the credit of the fund for the maintenance of the State Laboratory, to be drawn against by warrants of the State Controller upon claims which shall be approved by the State Board of Examiners.

§ 21. **Guaranty as a Defense.**—No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the Food and Drugs Act, June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this State, and it appears from the certificate of the director of the State Laboratory that such article or articles were adulterated or misbranded, within the meaning of this act, or the National Pure Food Act, approved June 30, 1906, the district attorney must forthwith notify the Attorney General of the United States of such violation.

§ 22. **Act Effective When.**—This act shall be in force and effect from and after the first day of January, 1908.

## **RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE CALIFORNIA PURE FOODS AND DRUGS ACTS.**

### **GENERAL.**

**Regulation 1. Short Title of Acts.**—The act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, shall be known and referred to as "*The California Pure Foods Act, March 11, 1907.*"

The act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, shall be known and referred to as "*The California Pure Drugs Act, March 11, 1907.*"

**Regulation 2. Collection of Samples.**—Samples of foods, liquors, or drugs shall be collected only by authorized agents of the State Board of Health, who shall be known as "inspectors."

Samples may be purchased or taken as provided by said acts. If in bulk, the marks, brands, or tags upon the package, carton, container, wrapper, or accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of purchase. The collector shall purchase representative samples.

A sample shall be divided into three parts, and each part shall be labeled with identifying marks. All samples shall be sealed with a seal provided for the purpose. If the package be less than four pounds, or in volume less than two quarts, three packages, approximately of the same size, shall be purchased, and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise; one sample shall be sent to the director of the State Laboratory, University of California, Berkeley, California; and the third sample shall be sent to and held under seal by the State Board of Health, Sacramento, California.

**Regulation 3. Methods of Analysis.**—Unless otherwise ordered by the State Board of Health, the methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopœia.

**Regulation 4. Hearings.**—Hearings shall be held as prescribed by the terms of said acts.

Notices and findings required by the said acts, or either of them, to be served, may be served in the following manner:

1. Upon individuals, by personal service, or if the party cannot be found, by leaving the same at his residence or place of business.

2. Upon domestic corporations, by delivering the same to the president, secretary, vice-president, treasurer, or managing agent of such corporation, or if such officer or agent cannot be found, by leaving the same at its place of business.

3. Upon foreign corporations, by delivering the same to such officer or agent, or if such officer or agent cannot be found, by leaving the same at its place of business within this State, or by leaving the same with the State agent of such corporation.

Upon the hearing the State Board of Health may order a re-examination of the sample, or have new samples drawn for further examination.

When the residence of the party guaranteeing merchandise found to be in violation of the terms of said acts, or either of them, shall be in a county other than that in which the sample was taken, the secretary of the State Board of Health shall transmit a certificate of the facts found both to the district attorney of the county where the sample was taken and to the district attorney of the county of the residence or place of business of the guarantor.

**Regulation 5. Publication.**—Publication may be made, after hearing, as provided by the terms of said acts.

Also, when a judgment of the court shall have been rendered, there may be a publication of the findings of the director of the State Laboratory, together with the findings of the court. This publication may be made in the form of circulars, notices, or bulletins, as the State Board of Health may determine, not less than thirty days after the rendering of the judgment; and if an appeal has been taken from the judgment of the court, a notice of the appeal shall accompany the publication.

**Regulation 6. Standard for Drugs.**—A drug bearing a name recognized in the United States Pharmacopœia or National Formulary, without any further statement respecting its character, shall be required to conform in strength, quality, and purity to the standards prescribed or indicated for a drug of the same name recognized in the United States Pharmacopœia or National Formulary, official at the time.

A drug bearing a name recognized in the United States Pharmacopœia or National Formulary, and branded to show a different standard of strength, quality, or purity, shall not be regarded as adulterated if it conforms to its declared standard.

**Regulation 7. Formulas — Proprietary Foods.**—Manufacturers of proprietary foods are only required to state upon the label the names and percentages of the materials used, in so far as the State Board of Health may find this to be necessary to secure freedom from adulteration, mislabeling, and misbranding.

The factories in which proprietary foods are made shall be open at all reasonable times to the inspection of raw materials hereinafter provided for.

**Regulation 8. Form of Guaranty.**—No dealer will be liable to prosecution under the provisions of said acts, or either of them, when he can



establish a guaranty, signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such article, to the effect that the same is not adulterated, mislabeled, or misbranded within the meaning of said acts, designating them.

Such guaranty may be:

1. *A specific guaranty.* This guaranty, to afford protection, must be substantially in the following form:

The undersigned hereby guarantees that the articles of (drugs, foods, or liquors, as the case may be, specifying them), this day sold to (name of dealer) and mentioned in the attached invoice, are not adulterated, misbranded, or mislabeled, within the meaning of the California Pure Foods (or Drugs, as the case may be) Act, March 11, 1907.

Dated .....,

.....  
(Name, place of business and address of the guarantor, and statement as to whether guarantor is corporation or co-partnership.)

2. *A general guaranty.* This guaranty, to afford protection, must be substantially in the following form:

I (we), the undersigned, do hereby guarantee that the articles of foods, liquors, and drugs, manufactured, produced, prepared, compounded, packed, distributed, or sold by me (us) (specifying the same as fully as possible), are not adulterated or misbranded within the meaning of the Food and Drugs Act, June 30, 1906, and are not adulterated, mislabeled, or misbranded, within the meaning of the California Pure Foods Act, March 11, 1907, or the California Pure Drugs Act, March 11, 1907.

Dated .....

(Sign in ink) .....  
(Name, place of business and address of the guarantor, and statement as to whether guarantor is corporation or co-partnership.)

All general guaranties must be acknowledged before a notary public, and the notary's certificate of the fact attached.

*No guaranty will be filed by the State Board of Health, or its secretary; and no serial number will be given by this board, or its secretary.*

*All general guaranties must be filed with the Secretary of Agriculture, Washington, D. C., who will furnish a serial number which when used on label with the words "Guaranteed by (here insert name of guarantor) under the Food and Drugs Act, June 30, 1906," will protect the dealer if he purchased of the guarantor.*

In the case of persons who have already filed a general guaranty with the Secretary of Agriculture, it will be necessary to file an amended guaranty in the form given above. Accompanying this guaranty should be a letter to the Secretary of Agriculture, giving the serial number already assigned and stating that the guaranty inclosed is an amended guaranty filed to comply with the California law.

## ADULTERATION.

**Regulation 9. Confectionery.**—Mineral substances of all kinds (except as provided in Regulation 14) are specifically forbidden in confectionery, whether they be poisonous or not.

Only harmless color flavors shall be added to confectionery.

The term "narcotic drugs" includes all the drugs mentioned in section 6 of the California Pure Drugs Act, March 11, 1907, and all other drugs of a narcotic nature.

**Regulation 10. Substances Mixed and Packed With Foods.**—No substance may be mixed or packed with a food product which will reduce or lower its quality or strength. Not excluded under this provision are substances properly used in the preparation of food products for clarification or refining and eliminated in the further process of manufacture.

**Regulation 11. Coloring, Powdering, Coating, and Staining.**—Only harmless colors may be used in food products.

The reduction of a substance to a powder to conceal inferiority in character is prohibited.

The term "powder" means the application of any powdered substance to the exterior portions of articles of food, or the reduction of a substance to a powder.

The term "coated" means the application of any substance to the exterior portions of a food product.

The term "stain" includes any change produced by the addition of any substance to the exterior portion of foods which in any way alters their natural tint.

**Regulation 12. Natural Poisonous or Deleterious Ingredients.**—Any food product which contains naturally a poisonous or deleterious ingredient does not come within the provisions of the California Pure Foods Act, March 11, 1907, except when the presence of such ingredient is due to filth, putrescence, or decomposition.

**Regulation 13. External Application of Preservatives.**—Poisonous or deleterious preservatives shall only be applied externally, and they and the food products shall be of a character which shall not permit the permeation of any of the preservative to the interior, or any portion of the interior of the product.

When these products are ready for consumption, if any portion of the added preservative shall have penetrated the food product, then such food products shall be subject to the regulations for food products in general.

The preservative applied must be of such a character that, until removed, the food products are inedible.

**Regulation 14. Wholesomeness of Colors and Preservatives.**—(a) Respecting the wholesomeness of colors, preservatives, and other substances which are added to foods, the Secretary of Agriculture shall determine from chemical or other examination, under the authority of the agricultural appropriation act, Public 382, approved June 30, 1906,

the names of those substances which are permitted or inhibited in food products; and such findings, when approved by the Secretary of the Treasury and the Secretary of Commerce and Labor, shall become a part of these regulations.

(b) The Secretary of Agriculture shall determine from time to time, in accordance with the authority conferred by the agricultural appropriation act, Public 382, approved June 30, 1906, the principles which shall guide the use of colors, preservatives, and other substances added to foods; and when concurred in by the Secretary of the Treasury and the Secretary of Commerce and Labor, the principles so established shall become a part of these regulations.

(c) It having been determined that benzoate of soda mixed with food is not deleterious or poisonous and is not injurious to health, no objection will be raised under the food and drugs act to the use in food of benzoate of soda, provided that each container or package of such food is plainly labeled to show the presence and amount of benzoate of soda. Food Inspection Decisions 76 and 89 are amended accordingly.

**Regulation 15. Character of the Raw Materials.**—The State Board of Health, its secretary or duly authorized agent, when deemed necessary by said board or its secretary, shall examine the raw materials used in the manufacture of food and drug products, and determine whether any filthy, decomposed or putrid substance is used in their preparation.

#### **MISBRANDING AND MISLABELING.**

**Regulation 16. Label.**—(a) The term "label" applies to any printed, pictorial, or other matter upon or attached to any package of a food or drug product, or any container thereof subject to the provisions of this act.

(b) The principal label shall consist, *first*, of all information which the food and drugs act, June 30, 1906, specifically requires, to wit, the name of the place of manufacture in the case of food compounds or mixtures sold under a distinctive name; statements which show that the articles are compounds, mixtures, or blends; the words "compound," "mixture," or "blend," and words designating substances or their derivatives and proportions required to be named in the case of foods and drugs. All this information shall appear upon the principal label, and should have no intervening descriptive or explanatory reading matter. *Second*, if the name of the manufacturer and place of manufacture are given, they should also appear upon the principal label. *Third*, preferably upon the principal label, in conjunction with the name of the substance, such phrases as "artificially colored," "colored with sulphate of copper," or any other descriptive phrases necessary to be announced should be conspicuously displayed. *Fourth*, elsewhere upon the principal label other matter may appear in the discretion of the manufacturer. If the contents are stated in terms of weight or measure, such statement should appear upon the principal label and must be couched in plain terms, as required by Regulation 29.

(c) If the principal label is in a foreign language, all information required by law and such other information as indicated above in (b) shall appear upon it in English. Besides the principal label in the language of the country of production, there may be also one or more other labels, if desired, in other languages, but none of them more prominent than the principal label, and these other labels must bear the information required by law, but not necessarily in English. The size of the type used to declare the information required by the act shall not be smaller than 8-point (brevier) capitals; provided, that in case the size of the package will not permit the use of 8-point type, the size of the type may be reduced proportionately.

(d) Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular. The term "design" or "device" applies to pictorial matter of every description, and to abbreviations, characters, or signs for weights, measures, or names of substances.

(e) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent.

In the case of drugs the nomenclature employed by the United States Pharmacopœia and the National Formulary shall obtain.

(f) The use of any false or misleading statement, design, or device appearing on any part of the label shall not be justified by any statement given as the opinion of an expert or other person, nor by any descriptive matter explaining the use of the false or misleading statement, design, or device.

**Regulation 17. Name and Address of Manufacturer.**—The name of the manufacturer or producer, or the place where manufactured, except in case of mixtures and compounds having a distinctive name, need not be given upon the label; but if given, must be the true name and the true place. The words "packed for —," "distributed by —," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer, or the name of the place not the actual place of manufacture or production.

When a person, firm, or corporation actually manufactures or produces an article of food or drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label, except when, in the opinion of the secretary of the State Board of Health, the mention of any such place, to the exclusion of the others, misleads the public.

**Regulation 18. Character of Name.**—A simple or unmixed food or drug product not bearing a distinctive name shall be designated by its common name in the English language, or, if a drug, by any name recognized in the United States Pharmacopœia or National Formulary. No further description of its components or qualities is required, except as to content of alcohol, morphine, etc.

The use of a geographical name shall not be permitted in connection with a food or drug product not manufactured or produced in that place, when such name indicates that the article was manufactured or produced in that place.

The use of a geographical name in connection with a food or drug product will not be deemed a misbranding when by reason of long usage it has come to represent a generic term and is used to indicate a style, type, or brand; but in all such cases the state, territory, or country where any such article is manufactured or produced shall be stated upon the principal label.

A foreign name which is recognized as distinctive of a product of a foreign country shall not be used upon an article of domestic origin except as an indication of the type or style of quality or manufacture, and then only when so qualified that it cannot be offered for sale under the name of a foreign article.

**Regulation 19. Distinctive Name.**—A “distinctive name” is a trade, arbitrary, or fancy name which clearly distinguishes a food product, mixture, or compound from any other food product, mixture, or compound.

A distinctive name shall not be one representing any single constituent of a mixture or compound.

A distinctive name shall not misrepresent any property or quality of a mixture or compound.

A distinctive name shall give no false indication of origin, character, or place of manufacture, nor lead the purchaser to suppose that it is any other food or drug product.

**Regulation 20. Compounds, Imitations, or Blends Without Distinctive Name.**—The term “blend” applies to a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

If any age is stated, it shall not be that of a single one of its constituents, but shall be the average of all constituents in their respective proportions.

Coloring and flavoring cannot be used for increasing the weight or bulk of a blend.

In order that colors or flavors may not increase the volume or weight of a blend, they are not to be used in quantities exceeding 1 pound to 800 pounds of the blend.

A color or flavor cannot be employed to imitate any natural product or any other product of recognized name and quality.

The term “imitation” applies to any mixture or compound which is a counterfeit or fraudulent simulation of any article of food or drug.

**Regulation 21. Articles Without a Label.**—It is prohibited to sell or offer for sale a food or drug product bearing no label upon the package or no descriptive matter whatever connected with it, either by design, device, or otherwise, if said product be an imitation of or offered for sale under the name of another article.

**Regulation 22. Proper Branding not a Complete Guaranty.**—Packages which are correctly branded as to character of contents, place of manufacture, name of manufacturer, or otherwise, may be adulterated, and hence not entitled to protection under said acts; or their sale, except upon prescription, may be forbidden by the Poisons Act, March 6, 1907.

**Regulation 23. Incompleteness of Branding.**—A compound shall be deemed misbranded if the label be incomplete as to the names of the required ingredients. A simple product does not require any further statement than the name or distinctive name thereof, except as provided in Regulations 18 and 27.

**Regulation 24. Substitution.**—When a substance of a recognized quality, commonly used in the preparation of a food or drug product, is replaced by another substance not injurious or deleterious to health, the name of the substituted substance shall appear upon the label.

When any substance which does not reduce, lower, or injuriously affect its quality or strength is added to a food or drug product, other than that necessary to its manufacture or refining, the label shall bear a statement to that effect.

**Regulation 25. Waste Materials.**—When an article is made up of refuse materials, fragments, or trimmings, the use of the name of the substance from which they are derived, unless accompanied by a statement to that effect, shall be deemed a misbranding. Packages of such materials may be labeled "pieces," "stems," "trimmings," or with some similar appellation.

**Regulation 26. Mixtures or Compounds With Distinctive Names.**—The terms "mixtures" and "compounds" are interchangeable, and indicate the results of putting together two or more food products.

These mixtures or compounds shall not be imitations of other articles, whether simple, mixed; or compound, or offered for sale under the name of other articles. They shall bear a distinctive name and the name of the place where the mixture or compound has been manufactured or produced.

If the name of the place be one which is found in different States, Territories, or countries, the name of the State, Territory, or country, as well as the name of the place, must be stated.

**Regulation 27. Substances Named in Drugs or Foods.**—The term "alcohol" is defined to mean common or ethyl alcohol. No other kind of alcohol is permissible in the manufacture of drugs, except as specified in the United States Pharmacopœia or National Formulary.

The words alcohol, morphine, opium, etc., and the quantities and proportions thereof, shall be printed in letters corresponding in size with those prescribed in Regulation 16.

A drug is misbranded in case it fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

A statement of the maximum quantity or proportion of any such substances present will meet the requirements, provided the maximum stated does not vary materially from the average quantity or proportion.

In case the actual quantity or proportion is stated it shall be the average quantity or proportion with the variations noted in Regulation 28.

The following are the principal derivatives and preparations made from the articles which are required to be named upon the label:

**ALCOHOL, ETHYL:** (Cologne spirits, grain alcohol, rectified spirits, and spirits of wine.)

*Derivatives—*

Aldehyde, ether, ethyl acetate, ethyl nitrite, and paraldehyde.

*Preparations containing alcohol—*

Bitters, brandies, cordials, elixirs, essences, fluid extracts, spirits, sirups, tinctures, tonics, whiskies, and wines.

**MORPHINE, ALKALOID:**

*Derivatives—*

Apomorphine, dionine, peronine, morphine acetate, hydrochlorid, sulphate, and other salts of morphine.

*Preparations containing morphine or derivatives of morphine—*

Bougies, catarrh snuff, chlorodyne, compound powder of morphine, crayons, elixirs, granules, pills, solutions, sirups, suppositories, tablets, triturates, and troches.

**OPIUM, GUM:**

*Preparations of opium—*

Extracts, denarcotized opium, granulated opium, and powdered opium, bougies, brown mixture, carminative mixtures, crayons, Dover's powders, elixirs, liniments, ointments, paregoric, pills, plasters, sirups, suppositories, tablets, tinctures, troches, vinegars, and wines.

*Derivatives—*

Codeine, alkaloid, hydrochlorid, phosphate, sulphate, and other salts of codeine.

*Preparations containing codeine or its salts—*

Elixirs, pills, sirups, and tablets.

**COCAINE, ALKALOID:**

*Derivatives—*

Cocaine hydrochlorid, oleate, and other salts.

*Preparations containing cocaine or salts of cocaine—*

Coca leaves, catarrh powders, elixirs, extracts, infusion of coca, ointments, paste pencils, pills, solutions, sirups, tablets, tinctures, troches, and wines.

**HEROIN:**

*Preparations containing heroin—*

Sirups, elixirs, pills, and tablets.

## ALPHA AND BETA EUCAINE :

*Preparations—*

Mixtures, ointments, powders, and solutions.

## CHLOROFORM :

*Preparations containing chloroform—*

Chloranodyne, elixirs, emulsions, liniments, mixtures, spirits, and sirups.

## CANNABIS INDICA :

*Preparations of cannabis indica—*

Corn remedies, extracts, mixtures, pills, powders, tablets, and tinctures.

## CHLORAL HYDRATE (Chloral U. S. Pharmacopœia, 1890) :

*Derivatives—*

Chloral acetophenonoxim, chloral alcoholate, chloralamide, chloralimide, chloral orthoform, chloralose, dormiol, hypnal, and uraline.

*Preparations containing chloral hydrate or its derivatives—*

Chloral camphorate, elixirs, liniments, mixtures, ointments, suppositories, sirups, and tablets.

## ACETANILIDE (Antifebrine, Phenylacetamide) :

*Derivatives—*

Acetphenetidine, citrophen, diacetanilide, lactophenin, methoxyacetanilide, methylacetanilide, para-iodoacetanilide, and phenacetine.

*Preparations containing acetanilide or derivatives—*

Analgesics, antineuralgics, antirheumatics, cachets, capsules, cold remedies, elixirs, granular effervescing salts, headache powders, mixtures, pain remedies, pills, and tablets.

In declaring the quantity or proportion of any of the specified substances the names by which they are designated in the act shall be used, and in declaring the quantity or proportion of derivatives of any of the specified substances, in addition to the trade name of the derivative, the name of the specified substance shall also be stated, so as to indicate clearly that the product is a derivative of the particular specified substance.

**Regulation 28. Statement of Weight or Measure.**—A statement of the weight or measure of the food contained in a package is not required. If any such statement is printed, it shall be a plain and correct statement of the average net weight or volume, either on or immediately above or below the principal label, and of the size of letters specified in Regulation 16.

A reasonable variation from the stated weight for individual packages is permissible, provided this variation is as often above as below the weight or volume stated. This variation shall be determined from the changes in the humidity of the atmosphere, from the exposure of



the package to evaporation or to absorption of water, and the reasonable variations which attend the filling and weighing or measuring of a package.

**Regulation 29. Method of Stating Quantity or Proportion.**—In the case of alcohol the expression “per cent of volume” shall mean the average percentage by volume in the finished product. In the case of the other ingredients required to be named upon the label, the expression “quantity” or “proportion” shall mean grains or minims per ounce or fluid ounce, and also, if desired, the metric equivalents therefor, or milligrams per gram or per cubic centimeter, or grams or cubic centimeters per kilogram or per liter; provided, that these articles shall not be deemed misbranded if the maximum of quantity or proportion be stated, as required in Regulation 27.

### **EXPORTS OF FOODS AND DRUGS.**

**Regulation 30. Preparation of Products for Export.**—Food products intended for export may contain added substances not permitted in foods intended for domestic commerce, when the addition of such substances does not conflict with the laws of the countries to which the food product is to be exported and when such substances are added in accordance with the directions of the foreign purchaser or his agent.

The exporter is not required to furnish evidence that goods have been prepared or packed in compliance with the laws of the foreign country to which said goods are intended to be shipped, but such shipment is made at his own risk.

Food products for export under this regulation shall be kept separate and labeled to indicate that they are for export.

If the products are not exported they shall not be allowed to enter domestic commerce.

**Regulation 31. Denaturing.**—Unless otherwise declared on the invoice, all substances ordinarily used as food products will be treated as such. Shipments of substances ordinarily used as food products intended for technical purposes should be accompanied by a declaration stating that fact. Such products should be denatured before entry, but denaturing may be allowed under customs supervision, with the consent of the Secretary of the Treasury, or the Secretary of the Treasury may release such products without denaturing, under such conditions as may preclude the possibility of their use as food products.

**Regulation 32. Alteration and Amendment of Regulations.**—These regulations may be altered or amended at any time, without previous notice, with the concurrence of the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor.

**FOOD SANITATION ACT OF MARCH 6, 1909.**

(Stats. 1909, p. 151.)

- § 1. "Food" defined.
- § 2. Unsanitary conditions defined.
- § 3. Bakeries, etc., walls to be painted, etc.
- § 4. Screens, where required.
- § 5. Toilets and lavatories.
- § 6. Cuspidors required for operatives.
- § 7. Sleeping in bakeries, etc., forbidden.
- § 8. Diseased persons not to be employed.
- § 9. Inspection.
- § 10. Violations of act are nuisances.
- § 11. Violations of act are misdemeanors.

§ 1. **Place Used for the Production, Preparation for Sale, Manufacture, Packing, Storage, Sale or Distribution of Food—Conditions.**—Every building, room, basement or cellar, occupied, or used as a bakery, confectionery, cannery, packing-house, slaughter-house, restaurant, hotel, grocery, meat market, or other place or apartment, used for the production, preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced, kept, handled or sold; and for the purpose of this act the term "food" shall include all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

§ 2. **Floors, Sidewalls, Ceilings, Furniture, Receptacles, Utensils, Implements and Machinery.**—The floors, sidewalls, ceilings, furniture, receptacles, utensils, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, shall at no time be kept in an unclean, unhealthful or unsanitary condition; and for the purposes of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale or distribution is not securely protected from flies, dust, dirt, unsanitary conditions, and as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt, and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling and distributing of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers, and all other utensils, receptacles, and machinery, used in moving, handling, cutting, chopping, mixing, canning, and all other processes used in the preparation of food, are not

thoroughly cleaned daily; and if the clothing of operatives, employees, clerks, and other persons therein employed, is unclean, or if they dress or undress, or leave or store their clothing therein.

**§ 3. Sidewalls and Ceilings and All Interior Woodwork.**—The sidewalls and ceilings of every bakery, confectionery, hotel and restaurant kitchen, shall be well plastered, or ceiled, with metal or lumber, or shall be oil painted or kept well lime washed, or otherwise kept in a good sanitary condition and all interior woodwork of every bakery, confectionery, hotel or restaurant kitchen shall be kept well oiled or painted with oil paint, and be kept washed clean with soap and water or otherwise kept in a good sanitary condition; and every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor, made of cement or tile laid in cement, brick, wood or other suitable nonabsorbent material which can be flushed and washed clean with water.

**§ 4. Doors, Windows and Other Openings Fitted With Screens.**—The doors, windows and other openings of every food producing or distributing establishment, where practicable, shall be fitted with stationary or self-closing screen doors and wire window screens, of not coarser than fourteen mesh wire gauze.

**§ 5. Toilet or Toilet-rooms — Lavatories and Washrooms.**—Every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet-rooms, separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet-rooms shall be of cement, tile laid in cement, wood, brick or other nonabsorbent material, and shall be washed and scoured daily. Such toilets shall be furnished with separate ventilating pipes or flues, discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and washrooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a clean and sanitary condition. Operatives, employees, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work and immediately after visiting a toilet or lavatory shall wash their hands and arms thoroughly in clean water.

**§ 6. Cuspidors.**—Cuspidors, for the use of operatives, employees, clerks and other persons, shall be provided, and each cuspidor shall be emptied and washed out daily with disinfectant solution and not less than five ounces of such solution shall be left in each cuspidor while in use. No operative, employee, clerk or other person, shall expectorate or discharge any substance from his nose or mouth, on the floor or interior sidewall of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation or sale of any food product is conducted.

**§ 7. No Person Allowed to Reside or Sleep Where Food Prepared.** No person shall be allowed to, nor shall he, reside or sleep in any room of a bake-shop, public dining-room, hotel or restaurant kitchen, confectionery, or other place where food is prepared, produced, manufactured, served or sold.

**§ 8. Person Afflicted With Infectious or Contagious Disease.**—No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, place or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food, who is afflicted or affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping-cough, chicken-pox, or any other infectious or contagious disease.

**§ 9. Inspection.**—The members of the State Board of Health, inspectors and agents appointed by said board, and all local health officers and inspectors, shall have full power at all times to enter every building, room, basement, cellar, or any place occupied or used, or suspected or being occupied or used, for the production, manufacture, preparation, storage, sale or distribution of food, and to inspect the premises and all utensils, implements, receptacles, fixtures, furniture and machinery used as aforesaid, and if, upon inspection, any such building, room, basement, cellar, or any such place, vehicle, employer, operative, employee, clerk, driver, or other person, is found to be in violation or violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale or distribution of food is being conducted in a manner detrimental to the health of the employees or operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination shall at once make a written report of the same to the district attorney of the county who shall prosecute all persons violating any of the provisions of this act, and also to the State Board of Health. The State Board of Health, from time to time, as in its discretion it may determine, may publish such reports in its monthly bulletin.

**§ 10. Nuisances.**—All buildings, rooms, basements, cellars, and other places and things, kept, maintained or operated, or which are, in violation of the provisions of this act or any of them, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed or transported in violation of the provisions of this act or any of them, are hereby declared to be public nuisances, dangerous to health. Such nuisances may be abated or enjoined, in an action brought for that purpose by the local or State Board of Health, or they may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

**§ 11. Penalty.**—Any person, firm or corporation, whether as principal or agent, employer or employee, who violates any of the pro-

visions of this act shall be guilty of a misdemeanor, and each day that conditions or actions, in violation of this act, shall continue, shall be deemed to be a separate and distinct offense, and for each offense, upon conviction, he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

## **ACTS RELATIVE TO LABELING OF COLD STORAGE EGGS AND BUTTER.**

Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

(Approved March 6, 1911.)

§ 1. Every person, firm, company or corporation, who sells or offers for sale any cold storage eggs or butter, as and for fresh eggs or butter, or who by any means whatever represents the same to be fresh eggs or butter is guilty of a misdemeanor. (Stats. of 1911, p. 285.)

Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this act into effect and fixing penalties for the violation of the same, or any of the provisions.

(Approved March 14, 1911.)

§ 1. **Person, Firm, Company or Corporation.**—For the purpose of this act the words “person, firm, company or corporation” shall include wholesalers, retailers, jobbers, and every place where eggs or butter that have been in cold storage for a longer period than three months are sold or offered for sale.

§ 2. **Period to be Stamped.**—Every person, firm, company or corporation, who sells or offers for sale any eggs or butter that have been in cold storage for a longer period than three months shall before so doing cause to be stamped, marked or branded upon all sides of each receptacle holding and containing the same in black-faced letters two inches in length the period of time during which the same have been in cold storage.

§ 3. **Sign.**—That every person, firm, company or corporation selling or offering for sale any cold storage eggs or butter, shall display in a conspicuous place in his or their salesroom, a sign bearing the words “Cold storage eggs or butter sold here” in black-faced letters not less than six inches in length, upon a white ground.

§ 4. **Penalty.**—Every person, firm, company or corporation, who shall fail to comply with any of the provisions of this act is guilty of

a misdemeanor and punishable by imprisonment in the county jail for a term not exceeding six months, or a fine of two hundred and fifty dollars or both fine and imprisonment.

§ 5. **Rules and Regulations.**—The State Board of Health is hereby authorized and directed to make rules and regulations necessary to carry this act into effect.

§ 6. **Act, When Effective.**—This act shall take effect immediately. (Stats. 1911, p. 356.)

## WHITE SLAVE TRAFFIC.

(Act of June 25, 1910, c. 395; 36 Stats. at Large, 825.)

§ 1. **Interstate Commerce Defined.**—That the term "interstate commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

§ 2. **Transportation for Immoral Purposes.**—That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

§ 3. **Inducing, Coercing or Persuading.**—That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing or coercing any woman or girl to go from one place

to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

**§ 4. Girl Under Eighteen Years.**—That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by such fine and imprisonment, in the discretion of the court.

**§ 5. Jurisdiction.**—That any violation of any of the above sections 2, 3 and 4 shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections.

**§ 6. Bureau of Information.**—That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white slave traffic, adopted July 25, 1902, for submission to their respective governments by the delegates of various powers represented at the Paris conference and confirmed by a formal agreement signed at Paris on May 18, 1904, and adhered to by the United States on June 6, 1908, as shown by the proclamation of the President of the United States, dated June 15, 1908, the Commissioner General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procurement of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their

identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.

**Statements to be Filed.**—Every person who shall keep, maintain, control, support or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procurement to come to this country within the knowledge of such person, and any person who shall fail, within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white slave traffic, to file such statement concerning such alien woman or girl with the Commissioner General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien or girl, or concerning her procurement to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

**Burden of Proof—Immunity.**—In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty of forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.



§ 7. **Words Defined.**—That the term “Territory,” as used in this act, shall include the district of Alaska, the insular possessions of the United States, and the Canal Zone. The word “person,” as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself.

§ 8. **Name of Act.**—That this act shall be known and referred to as the “White Slave Traffic Act.”

## TABLE OF FEES.

### Administrators.

(C. C. P. 1618.)

For the first \$1,000 .....	7%
For the next 9,000.....	4%
For the next 10,000.....	3%
For the next 30,000.....	2%
For the next 50,000.....	1%
For all over 100,000.....	$\frac{1}{2}$ %
And if estate is distributed in kind, $\frac{1}{2}$ of above fees for all over \$20,000.	

### Appellate Court.

See District Court of Appeals.

### Appraisers.

Of estates of decedents (C. C. P. 1444) not exceeding per day....	\$5 00
Of rental value in probate leases (C. C. P. 1570) not exceeding per day .....	5 00
Of lost property (Pol. C. 3137, 3157) the same fees allowed for similar services in other cases.....	5 00
Of homestead (C. C. 1258) not exceeding.....	5 00

### Assessors, County.

Seizing and selling personal property (Pol. C. 3793) .....	3 00
Mileage—Same as sheriff.	
For royalty on minerals taken from waters on State lands, per ton	25
Royalty on sodium bicarbonate, and sodium hydrate, per ton (Stats. 1911, p. 1154) .....	50
For lease of State lands containing minerals, per acre annually (Stats. 1911, p. 1154).....	2 50
For rights of way to waters or land for the purpose of taking minerals, per acre annually (Stats. 1911, p. 1154).....	2 50

For services required to be performed in the formation, government and control of overflow district (Stats. 1911, p. 1397).....No fees

**Attorneys' Collection Rates Adopted by the Commercial Law League of America.**

On the first three hundred dollars.....	10%
On the excess of three hundred dollars to one thousand dollars..	5%
On the excess of one thousand dollars.....	2½%
Minimum fee of.....	3 00
Minimum fee for suit .....	5 00

**Attorneys' Fees.**

In cases of injunction to restrain division of water (C. C. P. 532).  
 On foreclosure of mortgages (C. C. P. 726).  
 In case of sales in escheated estates (C. C. 1271).  
 In foreclosure against estate where no claim presented (C. C. P. 1500).  
 In probate (C. C. P. 1618, 1619, 1616).  
 In actions for contribution between joint ditch owners (C. C. 843).  
 In action on bond to construct fences, etc., in eminent domain (C. C. P. 1251).  
 On abandonment of condemnation proceedings (C. C. P. 1255a).  
 Left to parties (C. C. P. 1021).  
 In actions for wages in justice's court (C. C. P. 924).  
 In actions for partition (C. C. P. 796, 798).  
 In actions by executors or administrators on his claim against estate (C. C. P. 1505).  
 Negotiable instruments may provide for attorneys' fees (C. C. 3088).  
 Attorneys' fees on foreclosure to be fixed by court (G. L., p. 1962).

**Attorneys', Solicitors' and Proctors' Fees in Federal Courts.**

(R. S., § 824; U. S. Comp. Stats. 1901, p. 632.)

On a trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of.....	\$20 00
Provided, that in cases of admiralty and maritime jurisdiction, where the libellant recovers less than fifty dollars, the docket fee of his proctor shall be but.....	10 00
In cases at law, when the cause is discontinued.....	5 00
For <i>scire facias</i> , and other proceedings, on recognizances.....	5 00
Each deposition taken and admitted in evidence in a cause....	2 50
Services rendered in cases removed from a district to a circuit court by writ of error or appeal.....	5 00

**Auditors.**

For filing transcript of judgment (C. C. P. 710).....	50
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**Bankruptcy.**

Clerks' fees (see U. S. Dist. Court).....	10 00
Referees (see Referees in Bankruptcy).....	15 00

And for each proof of claim.....	.25
And commission .....	1%
Or where composition is confirmed..... $\frac{1}{2}$ of	1%
Marshals. See U. S. Marshals.	
Receivers. See Receivers in Bankruptcy.	
Trustees. See Trustees in Bankruptcy.	

**Bank, Superintendent of.**

See Superintendent of Banks.

**Board of Dental Examiners.**

See State Board of Dental Examiners.

**Board of Examiners in Veterinary Medicine.**

See State Board of Examiners in Veterinary Medicine.

**Board of Fish and Game Commissioners.**

See State Board of Fish and Game Commissioners.

**Board of Health.**

See State Board of Health.

**Board of Medical Examiners.**

See State Board of Medical Examiners.

**Board of Optometry.**

See State Board of Optometry.

**Board of Pharmacy.**

See State Board of Pharmacy.

**Board of Regents of University of California.**

See University of California.

**Bureau of Patents.**

See Patent Office.

**Bureau of Pensions.**

See Pensions.

**City Auditors.**

See Auditors.

**City Clerks.**

(Stats. 1898, p. 287.)

Issuing certified copy of death record..... .50

Searching files for death record, for each hour or fraction thereof.. .50

**City Justices.**

See Justices of the Peace.

**City Marshals.**

See Constables.

**City Treasurer.**

For certificate of sale under street improvement act (Stats. 1911,  
p. 730)..... .50

**Civil Service Commission.**

Witness fees—The same as are allowed witnesses in civil cases in courts  
of record (Stats. 1913, p. 1048).

**Clerk of District Court of Appeals.**

See District Court of Appeals.

**Clerk of Superior Court.**

See County Clerk.

**Clerk of Supreme Court of California.**

See Supreme Court of California.

**Clerk of U. S. Circuit Court of Appeals.**

See United States Circuit Court of Appeals.

**Clerk of U. S. District Court.**

See United States District Court.

**Clerk of U. S. Supreme Court.**

See Supreme Court of United States.

**Commissioners, Court.**

See Court Commissioners.

**Commissioners of Deeds.**

Same as notaries public (Pol. C. 815).

**Commissioner of Immigration.**

See Immigration Commissioner.

**Commissioners, United States.**

See United States Commissioners.

**Constables.**

(Pol. C. 4300d.)

Serving summons and complaint, for each defendant.....	\$ 50
Each copy of summons for service, when made by him.....	25
Levying writ of attachment .....	1 00
Levying writ of execution .....	1 00
Executing order of arrest .....	1 00
Executing order for the delivery of personal property.....	1 00
Serving writ of attachment or execution on any ship, boat or vessel.....	3 00

Keeping personal property, such sum as the court may order, but no more than, per day.....	\$ 2 00
Taking bond or undertaking.....	50
Copies of writs and other papers, except summons, complaint and subpoenas, per folio.....	10
Serving any writ, notice or order, except summons, complaint or subpoenas, for each person served.....	50
Writing and posting each notice of sale of property.....	25
Furnishing notice for publication.....	25
Serving subpoenas, each witness, including copy.....	25
Collecting money on execution.....	1½%
Executing and delivering certificate of sale.....	50
Executing and delivering constable's deed .....	1 50
Each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile.....	25
Traveling outside of his township to serve such writ, order or paper, in going only.....	15
Each mile traveled within his county in executing warrant of arrest .....	15
Each mile traveled out of his county, both going and returning from place of arrest.....	05
Executing a search-warrant, such fees and mileage as may be allowed for executing warrant of arrest.	
Arresting prisoner and bringing him into court or jail.....	1 00
Summoning a jury, including mileage.....	2 00
Transporting prisoners to and from the county jail, the actual cost of such transportation.	
For acting as poundmaster where no poundmaster has been appointed within the pound district (Pol. C. 4187).....	
.....The same fees allowed poundmaster.	

## Amador.

(Pol. C. 4270.)

For transporting prisoners to county jail.....Actual expenses

## Butte.

(Pol. C. 4248.)

For transporting prisoners to county jail after conviction.....

.....Actual expenses

## Calaveras.

(Pol. C. 4269.)

In traveling outside of his township in serving or executing a warrant of arrest or other paper in a criminal case....Actual expenses

## Colusa.

(Pol. C. 4273.)

For conveying prisoners to the county jail.....

.....Actual and necessary expenses

## El Dorado.

(Pol. C. 4274.)

For transporting prisoners to the county jail.....	
.....The actual necessary expenses	
For each mile necessarily traveled, both in going only, in the service of any civil or criminal process or paper or to take a prisoner before a magistrate or to prison, per mile.....	\$ 25
(But when two or more persons are served or summoned in the same suit and at the same time mileage shall be charged only for the most distant if they live in the same direction.)	
For serving summons in civil cases, for each defendant including the copy required by law.....	1 00
For executing warrant of arrest in civil cases, or order for the delivery of personal property.....	1 50
For taking any bond required by law to be taken.....	50
For serving attachment or levying execution.....	1 50
For subpoenaing each witness.....	25
For collecting money on execution.....	3%
For summoning a jury of twelve or less before a justice.....	1 00
For each additional juror above twelve.....	25
For summoning and swearing a jury to try the rights of property and making a verdict.....	2 00
For receiving and taking care of property on execution, order or attachment.....	Actual necessary expenses
For making arrests in criminal cases.....	2 00
For sales of estrays.....	Same as for sales of execution
For attending court and taking charge of jury and prisoner when required, per day.....	2 00
For all other services.....	Same as sheriff

## Humboldt.

(Pol. C. 4244.)

(In civil cases only:)

For serving summons and complaint, for each defendant served .....	50
For each copy of summons for service, when actually made by him.....	25
For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property.....	2 00
For serving writ of attachment or execution on any ship, boat or vessel .....	3 00
For keeping personal property, such sum as the court may order, but no more shall be allowed for a keeper when necessarily employed per day than.....	2 50
For taking bond or undertaking.....	1 00

For copies of writs and other papers, except summons, complaint and subpoenas, per folio.....	\$ 15
Provided, that when correct copies are furnished to him for use, no charge shall be made for such copies.	
For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served.....	50
For writing and posting each notice of sale of property.....	50
For furnishing notice for publication.....	25
For serving subpoenas, each witness, including copy.....	50
For collecting money on execution.....	2½%
For executing and delivering certificate of sale.....	50
For executing and delivering constable's deed.....	2 50
For each mile actually traveled within his county to serve any writ, order, or paper, in civil actions, in going only, per mile .....	25
For each day's attendance in court, in civil cases, per day.....	3 00
For each mile necessarily traveled within his county in executing a warrant of arrest, both in going to and returning from the place of arrest.....	15
And the actual cost of the transportation of the prisoner from the place of arrest to the justices' courts and the necessary assistance.	
For each mile actually traveled without his county in executing a warrant of arrest, both going and returning.....	15
For transporting prisoners to the county jail from the justice's court or from the county jail to the justice's court, the actual cost of transportation and assistance and mileage, one way.....	25
For summoning a jury, in civil cases for each person summoned .....	25
And mileage, going only, per mile.....	25
For each day in which the constable is charged with the custody of a prisoner or prisoners.....	2 50
And the necessary expense of maintenance and assistance in keeping said prisoners.	
For making sales of estrays in civil cases, the same fees as for sales on execution.	
For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom .....	3 00
Per day, and mileage going only, per mile.....	25

## Kern.

(Pol. C. 4240.)

For traveling in pursuit of criminals or transacting any criminal business.....	The necessary expenses
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Marin.

(Pol. C. 4251.)

For attendance in court during jury trial or preliminary examination .....\$3 00

Mendocino.

(Pol. C. 4253.)

For attending court, per diem..... 3 00

In conveying prisoners or insane persons to the county seat.....  
.....Moneys actually disbursed

In the pursuit within the county of insane persons or criminals charged with felony.....Actual expenses incurred

Merced.

(Pol. Code, 4262.)

In conveying prisoners from place of arrest to court, and in case of conviction from the court to the county jail..Actual expenses

Monterey.

(Pol. Code, 4252.)

For traveling expenses in his own district:

For service of warrant of arrest or other criminal process when such service is in fact made, per mile going and returning..... .10

For each mile traveled out of his county going to and returning from place of arrest in service of process..... .05

For transporting persons to the county jail, per mile each way..... .10

Napa.

(Pol. C. 4255.)

Expenses in arresting and pursuing criminals and conveying prisoners to court or to prison.....  
.....The necessary expenses actually incurred

Nevada.

(Pol. C. 4263.)

In arresting and conveying prisoners to the county jail.....  
.....Expenses actually incurred

Placer.

(Pol. C. 4260.)

For serving summons and complaint, for each defendant served ..... 1 00

For each copy of summons for service, when actually made by him ..... 25

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property.. 1 00



For keeping personal property, such sum as the court may order, but no more shall be allowed for a keeper when necessarily employed than, per day.....	\$ 2 00
For taking bond or undertaking.....	50
For copies of writs and other papers, except summons, complaint and subpoena, per folio.....	10
Provided, that when corrected copies are furnished to him for use, no charge shall be made for such copies.	
For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served.....	50
For writing and posting each notice of sale of property.....	25
For serving subpoenas, each witness, including copy.....	25
For collecting money on execution.....	2½%
For executing and delivering a certificate of sale.....	1 00
For executing and delivering constable's deed.....	2 00
For each mile actually traveled within his township to serve any civil or criminal process or paper or to take a prisoner before a magistrate or to prison in going only....	25
Outside of his township but within the county.....	20
For each mile traveled outside his county in making criminal arrests, both going and returning from the place of arrest	10
For transporting prisoners to the county jail or before a magistrate either upon arrest or for trial or examination or after conviction, the same mileage as above, and the actual and necessary expenses for himself and prisoners, but if two or more prisoners are transported at the same time, only one mileage allowed.	
For summoning a jury, including mileage.....	2 00
For making each arrest in a criminal action.....	1 50
For sales of estrays—The same as execution sales.	
For all other services—The same fees as are allowed sheriffs.	

Riverside.

(Pol. C. 4242.)

Service of warrant or other paper in criminal case (Pol. Code 4242)—

Within the county per mile going and coming.....	.10
Outside the county per mile going and coming.....	.5

Sacramento.

(Pol. C. 4235.)

(In townships in which a state penal institution is not located:)

For attendance in court in criminal cases, per diem.....	3 00
For taking prisoners to county jail, per mile.....	15

San Diego.

(Pol. C. 4236.)

For attendance in court in criminal cases when required by the justice, per diem .....	2 00
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**San Joaquin.**

(Pol. C. 4238.)

In addition to mileage, constables are allowed in criminal, insane, inebriate and drug habitue cases, for transporting prisoners to and from the county jail, and supporting such prisoners while in their custody, of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest is made or not; for transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court and from the superior court to the insane asylum (Pol. C. 4238).....  
 ..... The actual and necessary cost

**San Mateo.**

(Pol. C. 4249.)

In executing any warrant outside of his county issued by a magistrate or justice of his county....Actual and necessary expenses  
 In arresting and conveying prisoners to the jail.....  
 ..... Necessary expenses actually incurred

**Shasta.**

(Pol. Code 4257.)

(In criminal actions:)

For arresting and conveying prisoners to court or to prison, and in the transportation of prisoners from prison to court, and the return of said prisoners to prison; and proceedings..  
 .....All necessary expenses actually and properly incurred  
 For each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal actions, per mile. \$ 10

(In civil cases only:)

For serving summons and complaint, for each defendant served	50
For each copy of summons for service, when actually made by him.....	25
For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property.....	1 00
For serving writ of attachment or execution on any ship, boat or vessel.. .. .	3 00
For keeping personal property, such sum as the court may order, but no more shall be allowed for a keeper when necessarily employed per day than.....	1 50
For taking bond or undertaking.....	50
For copies of writs and other papers, except summons, complaint and subpoenas, per folio.....	10
Provided, that when correct copies are furnished to him for use, no charge shall be made for such copies.	
For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served.....	50

For writing and posting each notice of sale of property.....	\$ 50
For furnishing notice for publication.....	25
For serving subpoenas, each witness, including copy.....	25
For collecting money on execution.....	1½%
For executing and delivering constable's deed.....	1 25
For each mile actually traveled within his township to serve any writ, order, or paper, in civil actions, in going only..	25
For each mile traveled outside of his township to serve any writ, order or paper in civil actions, in going only.....	25
For each day's attendance in court, in civil cases, per day....	3 00
For executing a search-warrant.....	2 00
And for each mile necessarily traveled within his county in executing a search-warrant, both in going and returning from the place of search.....	15
Said fee and mileage to be paid by the party demanding the search.	
For summoning a jury, in civil cases (including mileage)....	2 00
For receiving and paying over money on execution, without levy, or when the goods or land levied on shall not be sold	1%

## Siskiyou.

(Pol. C. 4258.)

For transporting prisoners to the county jail.....	
.....Actual traveling expenses	

## Sonoma.

(Pol. C. 4239.)

For traveling expenses outside of his township but within the county, in the service of civil or criminal process, per mile, one way only.....	.15
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## Stanislaus.

(Pol. C. 4254.)

For arresting and conveying persons to court or to prison.....	
.....All necessary expenses	
For service of warrant of arrest or other papers in a criminal case, for each mile traveled outside the county, one way only	.20

## Tehama.

(Pol. C. 4266.)

In criminal cases necessary traveling expenses, and expense of conveying criminals and persons charged with crime.....	
.....Necessary expenses	

## Tulare.

(Pol. C. 4241.)

Executing criminal process within the county, per mile, each way.	.10
Executing criminal process without the county, per mile, one way	.10

**Tuolumne.**

(Pol. C. 4268.)

Mileage in serving warrant of arrest or other paper in a criminal case, going and returning..... .10

**Ventura.**

(Pol. C. 4259.)

In arresting or conveying prisoners to court or to prison.....  
 .....All necessary expenses

**Contested Elections to Legislature.**

Officers performing services in contested election cases may charge the same fees allowed them for similar services in civil cases.  
 (Pol. C. 280.)

**Controller.**

See State Controller.

**Coroners.**

(Pol. C. 4300h.)

General services in holding an inquest.....\$10 00  
 Each witness subpoenaed..... 25  
 Each mile necessarily traveled in going to the place of the inquest..... 25  
 Directing or attending the interment of each body upon which an inquest has been held..... 2 00  
 When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.....

**County Assessors.**

See Assessors.

**County Auditors.**

(C. C. P. 710.)

For filing transcript of judgment (C. C. P. 710)..... .50

**County Clerks.**

(Pol. Code, 4300a.)

Commencement of any action or proceeding in the Superior Court, except probate proceedings, including library fee.. 6 00  
 Filing papers on appeal to the Superior Court..... 5 00  
 Filing petition for letters of administration ..... 5 00  
 Filing petition for letters testamentary ..... 5 00  
 Filing petition for letters of guardianship..... 5 00  
 Filing petition to contest will or codicil..... 3 00  
 Appearance of defendant, or any number of defendants answering jointly ..... 2 00  
 Placing action on the calendar for trial or hearing, excepting probate proceeding or default case..... 2 00  
 Each additional defendant appearing separately..... 1 00

Filing notice of motion to move for a new trial of any civil action or proceeding .....	\$ 2 00
Issuing execution or order of sale.....	1 00
Copy of any record, proceeding or paper on file in civil actions when copy is made by him, per folio.....	10
Each certificate of the clerk under the seal of the court.....	25
Filing each claim in probate or insolvency proceedings.....	15
Issuing marriage license.....	2 00
Filing and indexing articles of incorporation.....	1 00
Filing and indexing certificates of copartnership.....	1 00
Filing and indexing all papers to be kept by him other than papers in actions or proceedings in court and official bonds and appointments .....	25
Filing and indexing official bonds and certificates of appointments .....	25
Issuing any license required by law, other than marriage license.	1 00
Examining and certifying to a copy of any paper, record or proceeding prepared by another, and presented for his certificate.....	50
And for comparing copy with original, per folio.....	01
Satisfaction of or credit on judgment.....	25
Receiving and filing remittitur from Supreme Court.....	50
Administering each oath, without certificate, except in a pending action or proceeding.....	10
Taking affidavit, except in criminal cases.....	25
Taking and approving each undertaking, and the justification thereof, except in criminal cases.....	50
Searching records or files, for each year.....	50
Taking acknowledgment of any deed or other instrument, including the certificate .....	50
Filing notices of appeal and appeal bonds, each.....	25
Filing certificate of extension of corporate existence (C. C. 401).	1 00
Filing agreement of consolidation of operative associations (C. C. 653).....	1 00
Certifying copy of bond of public officer same as other certified copies (Pol. C. 957).....	25
Filing and recording certificate of discharge from insane asylum (Pol. C. 2189).....	No fee
Filing guardianship papers on transfer of proceedings and expenses of transfer (C. C. P. 1760).....	6 00
Issuing certificate of authority to act as corporate security (C. C. P. 1057a).....	50
Receiving and filing declaration of intention and issuing duplicate (Act of June 29, 1906).....	1 00
Making, filing and docketing petition for citizenship (Act of June 29, 1906).....	2 00
Entering final order and issuing certificate (Act of June 29, 1906) .....	2 00
Law Library fee (Pol. C. 419o).....	1 00

On estates less than \$75 in certain cases (C. C. P. 1726A).....	No fee
On proceedings for apprenticeship of homeless minor (C. C. 268)	No fee
For services in any criminal case.....	No fee
For services in naturalization—See Naturalization.	
For recording certificate of registration to practice optometry (Stats. 1913, p. 1101).....	\$ 50
For recording certified copy of certificate of registration to practice optometry (Stats. 1913, p. 1101).....	50
For filing certificate of pharmacist (Stats. 1907, p. 767).....	50
Issuing certificate of registration to practice dentistry (Stats. 1909, p. 802).....	1 00
Registering and indorsing certificate of authority to practice dentistry originally issued in another county (Id.).....	50
Sporting fish license to citizen resident (Stats. 1913, p. 987)...	1 00
Sporting fish license to citizen nonresident (Stats. 1913, p. 987)	3 00
Sporting fish license to noncitizen (Stats. 1913, p. 987).....	3 00
Fishermen's license (Stats. 1913, p. 985).....	10 00
For services required to be performed in the formation, government and control of overflow district (Stats. 1911, p. 1397).	No fees

### County Recorders.

(Pol. C. 4300c.)

Recording every instrument, paper or notice required by law to be recorded, per folio.....	10
Indexing every instrument, paper or notice, for each name.....	10
Filing every instrument for record, and making the necessary entries thereon .....	20
Each certificate under seal.....	25
Every entry of discharge, credit or release on the margin of record, and indexing same.....	25
Searching the records of his office, for each year.....	50
Abstract of title, for each conveyance or encumbrance.....	25
Recording each map or plat where the same is copied in a book of record, for each course.....	10
Recording each map or plat where the same is not copied in a book of record .....	50
Figures or letters on maps or plats, per folio.....	10
Provided the fees for recording any map shall not exceed fifty dollars.	
Taking acknowledgment of any instrument.....	50
Recording marriage license and certificate.....	1 00
Recording transcript and all services in estray cases.....	1 00
Recording each mark or brand.....	50
Administering each oath or affirmation and certifying to same...	25
Filing, indexing and keeping each paper not required by law to be recorded .....	25
Recording affidavit of annual work on mining claim (C. C. 1426a) .....	50

Recording location notice of mill site (C. C. 1426k).....	\$ 1 00
Recording location notice of lode mining claim (C. C. 1426b).....	1 00
Recording location notice of placer mining claim (C. C. 1426d)...	1 00
Recording location notice of tunnel right (C. C. 1426g).....	1 00
Recording notice to delinquent co-owner of mining claim and affidavit (C. C. 1426o).....	Same as deeds
Filing certificate of registry of marriage (Pol. C. 3078).....	No fee
Filing certificate of registry of birth (Pol. C. 3078).....	No fee
Recording mark, brand, or counterbrand (Pol. C. 3168).....	1 00
Making report of sale of certificate of purchase (Pol. C. 3517)...	50
Recording notice of completion (C. C. P. 1187).....	1 00
Recording notice of cessation (C. C. P. 1187).....	1 00
Recording notice of abandonment (C. C. P. 1187).....	1 00
Recording claim of lien (C. C. P. 1189).....	Same as deeds
Issuing certified copy of record (Stats. 1897, p. 287).....	50
Searching files for above for each hour or fraction (Stats. 1897, p. 287).....	50
Filing certificate of residence (C. C. 1163).....	50
Filing certificate of sale under street improvement act (Stats. 1911, p. 730).....	50
Issuing certificate of status of 16th and 36th sections (Stats. 1913, p. 45).....	1 00
Filing notice of estray (Stats. 1909, p. 1079).....	50

#### County Recorders—Torrens Title Fees.

The fees, in respect of applications and proceedings under them prior to registration.....	Same as in actions in the Superior Court
For issuing a certificate of title, including one duplicate thereof..	1 50
For each additional duplicate.....	50
For registering each transfer, including the issue and registration of the new certificate.....	1 50
For entry of each memorial on the register, including the indorsement upon the duplicate certificates.....	1 00
For the cancellation of each certificate, memorial, or charge.....	25
For each certificate showing condition of register.....	1 50
For filing any instrument, or for a certified copy of the register, or of any instrument or writing on file in his office, the same fees allowed by law to recorders for like services (Torrens Title Act, § 114).	
Furnishing certified copy of death record (Stats. 1911, p. 287)...	50
For searching files for record of death, when no certified copy is made, for each hour or fractional part of an hour (Stats. 1911, p. 287).....	50

#### County Superintendent of Schools.

See Superintendent of Schools.

#### County Surveyors.

Such fees as are now or may be hereafter allowed by law (Pol. C. 4300).

**County Tax Collector.**

For issuing license (Pol. C. 3364).....\$1 00

**County Treasurer.**

For services required to be performed in the formation, government and control of overflow district (Stats. 1911, p. 1397) ..No fees

**Court Commissioners.**

Same as notaries public (C. C. P. 259).

**Court Reporters.**

See Official Reporters.

**Depositions.**

Where party or his attorney attends without the State and deposition is not taken through fault of other party, per diem (C. C. P. 2025½) ..... 2 00  
Mileage, both ways, per mile..... 06

**District Attorneys—State.**

For each suit brought against delinquent purchasers of state lands (Pol. C. 3553) ..... 15 00

**District Attorneys—U. S.**

Examination by district attorney, before a judge or commissioner, of persons charged with crime, per day for the time necessarily employed ..... 5 00  
For each day of his necessary attendance in a court of the United States, on the business of the United States, when the court is held at the place of his abode..... 5 00  
For his attendance when the court is held elsewhere, for each day of the term..... 5 00  
Traveling from the place of his abode to the place of holding any court of the United States in his district, or to a place of any examination before a judge or commissioner, of a person charged with crime, per mile for going..... 10  
And per mile for returning..... 10  
When an indictment for crime is tried before a jury and conviction is had, the district attorney may be allowed, in addition to the attorney's fees herein provided, a counsel fee, in proportion to the importance and difficulty of the cause, not exceeding ..... 30 00

**District Courts of Appeal—Clerk's Fees.**

(Pol. C. 759a.)

Filing the transcript on appeal in each civil case appealed to the district court of appeal, of which he is clerk..... 10 00  
Filing petition for rehearing, and for all services to the issuing of the *remittitur* to the court below..... 2 50  
Filing motion to dismiss appeal on clerk's certificate..... 2 50



# FEE TABLE.

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Filing petition for writs of mandate, review, prohibition and other original proceedings .....	\$ 7 50
Filing order extending time to file transcript.....	50
Certificate of admission of attorney or counselor.....	10 00
Filing each paper in proceedings for a hearing in the Supreme Court .....	25
Making a record upon hearing before the Supreme Court, and for copies of any record or document in his office, per folio.....	10
Comparing any document, requiring certificate, per folio.....	05
Each certificate under seal.....	1 00

## **Executors.**

See Administrators.

## **Fish and Game Commission.**

See State Board of Fish and Game Commissioners.

## **Immigration Commissioner.**

For each person examined or inspected (Pol. C. 2955).....	70
For bond of owner (Pol. C. 2965).....	3 00
For bond of consignee (Pol. C. 2965).....	3 00
For bond of master (Pol. C. 2965).....	3 00
For bond of commander (Pol. C. 2965).....	3 00
For oath of each surety on bond (Pol. C. 2965).....	1 00

## **Industrial Accident Commission.**

For copies of papers not required to be authenticated, per folio (Stats. 1913, p. 283) .....	10
For certified copies of official documents and orders, and of evidence taken, per folio.....	15

## **Inspector of Gas Meters.**

Testing meter (Pol. C. 582).....	2 50
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## **Insurance Commissioner.**

(Pol. C. 605.)

Filing certified copy of articles of incorporation—Domestic corporations .....	55 00
Filing certified copy of certificate of increase of capital stock—Domestic corporations .....	55 00
Filing certified copy of certificate of diminution of capital stock—Domestic corporations .....	55 00
Filing certified copy of charter of certificate of insurance officer—Foreign corporation .....	55 00
Filing certificate of unincorporated company.....	55 00
Filing certificate of change .....	10 00
Filing annual statement .....	20 00
Filing designation of agent.....	5 00
Filing stipulation for service on insurance commissioner.....	5 00

**Jurors—Federal Courts.**

(35 Stats. 377.)

For actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, per day during such attendance .....	\$ 3 00
For the distance necessarily traveled from their residence in going to and returning from said court by the shortest practicable route traveled over any stage line or by private conveyance..	15
For each mile over any railway in going to and returning from said courts .....	05

Provided, that no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof.

**Justice's Clerk.**

See Justices of the Peace.

**Justices of the Peace.**

(Pol. C. 4300c.)

Services performed by him before trial, civil action.....	2 00
Trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury and the entry of judgment and issue of execution thereon.....	3 00
In all cases where judgment is rendered by default or confession, including execution and satisfaction of judgment.....	2 00
Services in a criminal action or proceeding, whether on examination or trial.....	3 00
Taking bail after commitment by another magistrate.....	50
Certificate and transmitting transcript and papers on appeal....	1 00
Copies of papers on docket per folio.....	10
Issuing a search-warrant.....	50
Celebrating a marriage and returning a certificate thereof to the county recorder .....	3 00
Taking an acknowledgment of any instrument, for the first name.	50
Each additional name .....	25
Taking depositions, per folio.....	15
Administering an oath and certifying the same.....	25
Issuing a commission to take testimony.....	50
All services connected with the posting of estrays.....	1 00
In all cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive..	1 00
Performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in all cases.	
Issuing writ, order or paper required by law to be issued, not otherwise provided for.....	25

# FEE TABLE.

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Administering oath or affirmation not otherwise provided for....	10
Each certificate or affidavit, not otherwise provided for.....	25
Taking and approving bond or undertaking, including justification of sureties .....	50

## Humboldt.

(Pol. C. 4244.)

(In civil actions:)

For all services to be performed by him before trial or entry of judgment by default or confession.....	\$ 2 00
For all additional services in such action including execution and satisfaction of judgment .....	2 00
For trial of civil actions and all proceedings subsequent thereto..	3 00
For certificate and transmitting transcript and papers on appeal..	1 00
For copies of papers on docket, per folio.....	10
For issuing search-warrant, to be paid by the party demanding same .....	1 00
For celebrating a marriage and returning a certificate thereof to the county recorder.....	5 00
For taking an acknowledgment of any instrument, for the first name .....	50
For each additional name.....	25
For administering an oath and certifying to same.....	50
For issuing a commission to take testimony.....	1 00
For all services connected with the posting of estrays.....	1 00
For issuing each affidavit, certificate, process, writ, order or paper not otherwise provided for.....	25
For taking bail in all proceedings pending before another magis- trate .....	50

## Shasta.

(Pol. C. 4257.)

Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him before trial.....	3 00
For trial and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon.....	4 00
For each hour actually engaged in such trial after the expiration of eight hours .....	15
In all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judg- ment .....	3 00
For certificate and transmitting transcript and papers on appeal.	1 00
For copies of papers on docket, per folio.....	10
For issuing search-warrant, to be paid by the party demanding same .....	50

For celebrating a marriage and returning a certificate thereof to the county recorder .....	\$ 3 00
For taking an acknowledgment of any instrument, for the first name .....	50
For each additional name.....	25
For taking depositions, per folio.....	15
For all services connected with the posting of estrays.....	1 00
In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive.....	3 00
The justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.	
For performing the duties of coroner, when that coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.	
For issuing each process, writ, order or paper required by law to be issued not otherwise provided for.....	25
For each certificate or affidavit not otherwise provided for.....	25
For administering oath or affirmation not otherwise provided for.	25
For taking and approving bond or undertaking, including the justification of sureties .....	50

### **Keepers.**

See Sheriffs and Constables.

### **Lost Property.**

The fees of officers are the same as allowed for similar services in other cases provided in the Political Code. (Pol. C. 3157.)

### **Marshals.**

See Constables; U. S. Marshals; Bankruptcy.

### **Medical Practitioners.**

For every notice sent to the State Board of Health of patient suffering from lead, phosphates, arsenic, mercury, anthrax or compressed air illness (Stats. 1911, p. 953).....	50
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### **Naturalization.**

For receiving and filing a declaration of intention and issuing a duplicate thereof .....	1 00
For making, filing and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon .....	2 00
For entering the final order and the issuance of the certificate of citizenship thereunder, if granted.....	2 00
In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United	

States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner. (U. S. Comp. Stats. 1901, p. 483.)

### Notaries Public.

(Pol. C. 798.)

Drawing and copying every protest for the nonpayment of a promissory note, or for the nonpayment or nonacceptance of a bill of exchange, draft or check.....	\$ 2 00
Drawing and serving every notice of nonpayment of a promissory note, or of the nonpayment or nonacceptance of a bill of exchange, order, draft or check.....	1 00
Recording every protest .....	1 00
Drawing an affidavit, deposition or other paper for which provision is not specially made, for each folio.....	30
Taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first two signatures.....	1 00
Each additional signature .....	50
Administering an oath or affirmation.....	50
Every certificate, to include writing the same and the seal.....	1 00

### Official Reporters.

(C. C. P. 247.)

Per diem .....	10 00
Transcribing: 1 copy (original), per folio.....	20
2 copies made at one time, per folio.....	15
3 copies made at one time, per folio.....	11
4 copies made at one time, per folio.....	9
5 or more copies made at one time, per folio.....	8
For making original and 3 carbon copies in criminal cases after sentence (C. C. P. 247), per folio.....	30

	Per Diem.	Original Per Folio.	Copy Per Folio.		Pol. Code.
Del Norte.....	None	.10	.05		4285
Humboldt .....	None	.10	.05		4244
Inyo .....	\$10 00	.10	.05		4276
Lassen .....	10 00	.25	.05	Transcribing During Trial	4281
.....		.10	.05	Transcribing After Trial	4281
Modoc .....	10 00	.25	.05	Transcribing During Trial	4278
.....		.10	.05	Transcribing After Trial	4278
Mono .....	8 00	.20	.05	Transcribing During Trial	4286
.....		.10	.05	Transcribing After Trial	4286
Siskiyou .....	None	.10	.05		4258

**Patent Office.**

On filing each original application for a patent except in design cases .....	\$15 00
On issuing each original patent, except in design cases.....	20 00
In design cases:	
For three years and six months.....	10 00
For seven years .....	15 00
For fourteen years.....	30 00
On every application for the reissue of a patent.....	30 00
On filing each disclaimer.....	10 00
On an appeal for the first time from the Primary Examiner to the Examiners-in-Chief.....	10 00
On every appeal from the Examiners-in-Chief to the Commissioner.....	20 00
For certified copies of patents if in print:	
For specification and drawing, per copy.....	05
For the certificate .....	25
For the grant .....	50
For certifying to a duplicate of a model.....	50
For manuscript copies of records, for every one hundred words or fraction thereof.....	10
If certified, for the certificate, additional.....	25
For twenty-coupon orders, each coupon good for one copy of a printed specification and drawing, and receivable in payment for prints, Official Gazette, and Roster of Attorneys..	1 00
For one hundred coupons in stub-book.....	5 00
For uncertified copies of the specifications and accompanying drawings of patents, if in print, each.....	05
For the drawings, if in print.....	05
For copies of drawings not in print, the reasonable cost of making them.	
For photo prints of drawings, for each sheet of drawings:	
Size 10 by 15 inches, per copy.....	25
Size 8 by 12½ inches, per copy.....	15
For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under.....	1 00
Of over three hundred and under one thousand words.....	2 00
For each additional thousand words or fraction thereof....	1 00
For abstracts of title to patents or inventions:	
For the search, one hour or less, and certificate.....	1 00
Each additional hour or fraction thereof.....	50
For each brief from the digest of assignments, of two hundred words or less.....	20
Each additional hundred words or fraction thereof.....	10
For searching titles or records, one hour or less.....	50
Each additional hour or fraction thereof.....	50
For assistance to attorneys in the examination of publications in the Scientific Library, one hour or less.....	1 00

Each additional hour or fraction thereof.....	\$ 1 00
For copies of matter in any foreign language, for every one hundred words or a fraction thereof.....	10
For translation, for every one hundred words or fraction thereof.....	50
The Official Gazette:	
Annual subscriptions .....	5 00
For postage upon foreign subscriptions, except those from Canada and Mexico, \$5 or more as required. Moneys received from foreign subscribers in excess of the subscription price of \$5 will be deposited to the credit of the subscriber and applied to postage upon the subscription as incurred. <i>All communications respecting the Gazette and all subscriptions should be addressed to the Superintendent of Documents, Government Printing Office.</i>	
Single numbers.....	10
Decision leaflets .....	05
Trademark supplements .....	05
For bound volumes of the Official Gazette:	
Semi-annual volumes, from January 1, 1872, to June 30, 1883, full sheep binding, per volume.....	4 00
In half sheep binding, per volume.....	3 50
Quarterly volumes, from July 1, 1883, to December 31, 1902, full sheep binding, per volume.....	2 75
Bimonthly volumes, from January 1, 1903, to March 1, 1906, full sheep binding, per volume.....	2 50
Bimonthly volumes, from March 1, 1906, to January 1, 1909, tan duck binding.....	2 50
Monthly volumes, from January 1, 1909, tan duck binding, per volume .....	2 50
Monthly volumes, unbound, with title page, digest, and index, per volume.....	50
For the annual index, from January, 1872, to January 1, 1906, full law binding, per volume.....	2 00
In paper covers, per volume.....	1 00
For the annual index from January 1, 1906, buckram binding... ..	2 00
In paper covers, per volume.....	1 00
For the general index—a list of inventions patented from 1790 to 1873—three volumes, full law binding, per set.....	10 00
For the index from 1790 to 1836—one volume, full law binding..	5 00
For the Library edition, monthly volumes to January 1, 1906, containing the specifications and photolithographed copies of the drawings of all patents issued during the month, certified, bound in full sheep, per volume.....	5 00
In half sheep to January 1, 1906, per volume.....	3 00
For the Library edition, monthly volume from January 1, 1906, tan duck binding.....	5 00

For the index to patents relating to electricity, granted by the United States prior to June 30, 1882, one volume, 250 pages, bound .....	\$ 5 00
In paper covers.....	3 00
Annual appendixes for each fiscal year subsequent to June 30, 1882, paper covers .....	1 50
For Commissioner's Decisions:	
For 1869-70-71, one volume, full law binding.....	2 00
For 1872-73-74, one volume, full law binding.....	2 00
For 1875-76, one volume, with decisions of United States courts in patent cases, full law binding.....	2 00
In paper covers.....	1 00
Annual volumes with decisions of United States courts, for 1877 to 1906, full law binding, per volume.....	2 00
In paper covers.....	1 00
Subsequent annual volumes, buckram binding.....	2 00
In paper covers.....	1 00
Roster of Attorneys.....	20

#### Pilots.

For piloting every vessel into or out of port (except San Francisco, Mare Island, Benicia and Humboldt Bay) per foot draft (Pol. C. 2436) .....	8 00
For pilotage inside the heads to anchorage about the harbor, or between the harbor of San Francisco and the ports of Mare Island, Vallejo and Benicia, as agreed upon, not exceeding, per foot draft (Pol. C. 2465) .....	5 00
For pilotage into and out of the harbor of San Francisco (Pol. C. 2466):	
Vessels under 500 tons, per draft foot.....	3 00
Vessels over 500 tons, per draft foot.....	3 00
And for every ton registered measurement.....	3
These rates reduced 50% where vessel is not spoken until inside the bar.	
Humboldt Bay—	
For piloting, per foot draft (Pol. C. 2480). .....	8 00
For pilot license (Pol. C. 2490), not exceeding.....	50 00
For special license on vessels under 175 tons burden, per ton (Pol. C. 2490) .....	1 00
San Diego Harbor (Stats 1911, p. 267)—	
For piloting, per foot draft.....	3 00
And per ton.....	3
These rates reduced 50% where vessel not spoken until inside the bar.	

#### Police Judges.

See Justices of the Peace.



**Port Wardens.**

(Pol. C. 2510.)

For each survey.....	\$15 00
Not exceeding for any one vessel.....	75 00
(Foreign vessels not admitted by treaty on terms of equality with American vessels, 50% advance on above rates.)	
For all separate certificates of surveys required by different consignees.....	2 50
For each order of sale.....	10 00

**Printers—Federal Courts.**

(U. S. Comp. Stats. 1901, p. 656.)

For publishing any notice or order required by law, or the lawful order of any court, department, bureau or other person, in any newspaper, except as mentioned in sections 3823, 3824, and 3825, title, "Public Printing, Advertisements and Public Documents" (including the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making such publication), per folio for the first insertion.....	.40
Per folio for each subsequent insertion.....	.20

**Public Administrators.**

Such fees as are now or may be hereafter allowed by law (Pol. Code 4300i).	
On estates less than \$75.00 (C. C. P. 1726a).....	No fee
See Administrators.	

**Quarantine Officer.**

(Pol. C. 3020.)

For permit to land—	
Sailing vessels less than 500 tons burden.....	2 50
Sailing vessels over 500 and less than 1,000 tons.....	5 00
Sailing vessels each additional 1,000 tons.....	2 50
Steam vessels not of 1,000 tons or less.....	5 00
Steam vessels for each additional 1,000 tons.....	2 50
(Exempted—Sailing vessels from any port of Pacific States, of United States or Territories and whaling vessels entering San Francisco Harbor.)	

**Railroad Commission.**

For copies of papers and records not required to be certified or otherwise authenticated by the commission, each folio....	10
For certified copies of official documents and orders filed in its office, each folio.....	15
Each certificate under seal affixed.....	1 00
Certifying copy of any report made by a public utility.....	2 00
Each certified copy of the annual report of the commission....	1 50

Certified copies of evidence and proceedings before the commission, each folio .....	\$ 15
Certificate authorizing an issue of bonds, notes or other evidences of indebtedness.....	1 00
For each \$1,000 of the face value of the authorized issue or fraction thereof up to \$1,000,000.	
Each \$1,000 over \$1,000,000 and up to \$10,000,000.....	50
Each \$1,000 over \$10,000,000.....	25
With a minimum fee in any case of.....	25 00

Provided, that no fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge or retire any bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission; and provided, further, that if the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority.

### Receivers in Bankruptcy.

(Bankruptcy Act, § 48.)

Commission on moneys disbursed or turned over to any person—	
Not exceeding on the first \$500.....	6%
Over \$500 and less than \$1,500.....	4%
Over \$1,500 and less than \$10,000.....	2%
In excess of \$10,000.....	1%
In case of composition, not exceeding $\frac{1}{2}$ of 1% on the amount to be paid to creditors on composition.	
When receiver acts as mere custodian, and does not carry on the business of the bankrupt, not exceeding—	
On the first \$1,000.....	2%
On all above \$1,000.....	$\frac{1}{2}$ of 1%
Where the business is conducted by a receiver, additional compensation by way of commissions upon moneys disbursed or turned over, or afterward realized by the trustee from property turned over in kind by the receiver to the trustee, not exceeding—	
On the first \$500.....	6%
Over \$500 and less than \$1,500.....	4%
Over \$1,500 and less than \$10,000.....	2%
In excess of \$10,000.....	1%
In case of composition, not exceeding $\frac{1}{2}$ of 1% on the amount to be paid to creditors on composition.	

**Receivers of United States Land Office.**

See U. S. Land Office.

**Recorders.**

See County Recorders.

**Referees.**

Civil cases, per diem (C. C. P. 1028).....	\$5 00
In probate, per diem (C. C. P. 1508).....	5 00
In partition (C. C. P. 768), in discretion of court.	

**Referees in Bankruptcy.**

(Bankruptcy Act, § 40.)

Referees shall receive as full compensation for their services, payable after they are rendered, a fee deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, of.	15 00
And for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration.....	25
And from estates which have been administered before them commissions on all moneys disbursed to creditors by the trustee.....	1%
Or on the amount to be paid to creditors upon the confirmation of a composition.....	$\frac{1}{2}$ of 1%

**Register of State Land Office.**

See Surveyor General.

**Registers of United States Land Office.**

See U. S. Land Office.

**Reporters.**

See Official Reporters.

**Secretary of State.**

(Pol. C. 409.)

For copy of any law, resolution, record, or other document on file in his office, per folio.....	20
For comparing a copy of any law, resolution, record or other document or paper with the original, or the certified copy of the original, on file in his office, per folio.....	05
For affixing certificate and seal of state, unless otherwise provided for .....	2 00
For filing articles of incorporation, if the capital stock amounts to \$25,000 or less.....	15 00
Over \$25,000 and not over \$75,000.....	25 00
Over \$75,000 and not over \$200,000.....	50 00
Over \$200,000 and not over \$500,000.....	75 00
Over \$500,000 and not over \$1,000,000.....	100 00

Over \$1,000,000 for every \$500,000 or fraction thereof of capital stock over and above \$1,000,000 an additional..\$	50 00
For filing articles of incorporation without capital stock, except co-operative associations .....	5 00
For filing articles of incorporation of co-operative associations formed under the act of 1895, and acts supplementary thereto or amendatory thereof.....	15 00
For recording articles of incorporation, per folio.....	25
For issuing certificate of incorporation.....	3 00
For filing certificate of increase of capital stock.....	5 00
For every \$50,000 or fraction thereof of such increase.	
For filing certificate of decrease of capital stock.....	5 00
For filing notice of removal of principal place of business.....	5 00
For filing amended articles of incorporation, unless otherwise provided for .....	5 00
For filing certificate of creation of bonded indebtedness, or increase or decrease thereof.....	5 00
For issuing certificate of increase or decrease of capital stock..	3 00
For filing certificate of continuance of existence.....	5 00
For issuing certificate of continuance of existence.....	3 00
For filing claim to trademark, and issuing certificate of filing (Pol. C. 3198).....	5 00
For issuing certificate of filing of any document, not otherwise provided for .....	3 00
For filing certificate of increase or decrease of number of directors .....	5 00
For issuing certificate of increase or decrease of number of directors .....	3 00
For receiving and recording each official bond.....	5 00
For filing notice of appointment of agent.....	5 00
For each commission, passport or other document signed by the governor and attested by the Secretary of State (pardons, military commissions, commissions issued to nonsalaried state officers and extradition papers excepted).....	5 00
For each patent for land issued by the governor, if for 160 acres or less.....	1 00
And for each additional 160 acres, or fraction thereof.....	1 00
For issuing certificate of official character.....	2 00
For recording miscellaneous documents or papers, per folio...	20
For filing certified copy of order and decree of court, changing name, or certified copy of order and decree of court, dissolving a corporation.....	5 00
Issuing certificate to practice architecture (Stats. 1901, p. 641).	5 00
For registering the name of any farm, ranch or villa (Stats. 1911, p. 255).....	1 00

- Filing certified copy of extension of corporate existence—Same as original articles (C. C. 401).  
 Certifying certificate of above—Same as original articles (C. C. 401).  
 Filing certified copy of agreement consolidating co-operative associations—Same as original articles (C. C. 6537).  
 Filing certified copy of charter of foreign corporation—Same as domestic corporation (C. C. 409).  
 Certified copy of bond—Same as other certified copies (Pol. C. 957).  
 Filing certified copy of articles of incorporation of investment companies—Same as other corporations (Pol. C. 635c).  
 Issuing certificate of above—Same as other corporations (Pol. C. 635c).

### Secretary of State Board of Health.

See State Board of Health.

### Sheriffs.

(Pol. C. 4300b.)

Serving any process, writ or paper.....	\$ 50
Serving writ of attachment.....	1 00
Serving writ of execution.....	1 00
Serving order for the delivery of personal property.....	1 00
Taking any bond or undertaking.....	50
Serving an attachment or execution on any ship, boat or vessel..	3 00
Keeping and caring for property under attachment or execution such sum as the court may fix not exceeding, per day.....	3 00
Copy of any writ, process or paper made by him, per folio.....	10
Advertising sale of property and posting notice, exclusive of cost of publication or furnishing notice for publication.....	50
Publication of notice in newspaper, the reasonable cost of publi- cation.....	Subject to approval of the court
Serving writ of possession.....	1 50
Serving writ of restitution.....	1 50
Putting a person in possession of the premises and removing the occupant.....	1 50
Subpoenaing witness, including copy of subpoena, each.....	25
Summoning trial jury of twelve or less.....	2 00
Summoning each additional juror.....	10
Traveling in the service of any paper required by law to be served, each mile actually and necessarily traveled, one way only, when by rail.....	15
Traveling in the service of any paper required by law to be served, each mile actually and necessarily traveled, one way only, other than by rail.....	25
Collecting money on execution, with or without levy—on the first \$1,000 or less.....	1%
Collecting money on execution, with or without levy, on all sums over \$1,000.....	½ of 1%
Executing and delivering sheriff's deed.....	1 50

Executing and delivering certificate of sale.....	\$ 50
Transporting prisoners to the county jail, the actual cost of such transportation.	
Executing and delivering any other instrument, per folio.....	10

**Stallion Registration Board.**

(Stats. 1911, p. 1306.)

For registration of pedigree and issuance of license certificate..	2 50
For transfer of certificate .....	1 00
For renewal of license certificate, annually .....	1 00
For duplicate license certificate .....	1 00

**Stanford University.**

No fees, except in professional and engineering courses to residents of this State. (Stats. 1907, p. 117.)

**State Board of Architecture.**

(Stats. 1901, p. 641.)

Examination fee .....	15 00
Certificate of satisfactory examination .....	5 00
Temporary certificate .....	5 00
Annual license .....	5 00

**State Board of Dental Examiners.**

For certified copy of records, per 100 words (Stats. 1901, p. 564)	25
Fee for examination (Stats. 1909, p. 804).....	25 00
Annual license fee (Stats. 1909, p. 804) .....	2 00

**State Board of Examiners in Veterinary Medicine.**

For application to practice (Stats. 1907, p. 919) .....	10 00
For deposit upon examination before Board of Review.....	30 00
If examination favorable deposit refunded (Stats. 1907, p. 919).	

**State Board of Fish and Game Commissioners.**

(Stats. 1909, p. 663.)

Annual hunting license to citizens resident of California.....	1 00
Annual hunting license to citizen nonresident .....	10 00
Annual hunting license to noncitizen .....	25 00
Annual fishing license to citizen of the United States.....	2 50
Annual fishing license to noncitizen .....	10 00
(Stats. 1913, p. 986.)	
Sporting fish license to citizen resident over 18 years (Stats. 1913, p. 987) .....	1 00
Sporting fish license to citizen nonresident over 18 years (Stats. 1913, p. 987) .....	3 00
Sporting fish license to noncitizen over 18 years (Stats. 1913, p. 987) .....	3 00
Fishermen's license (Stats. 1913, p. 985).....	10 00
For license to establish and maintain pond for fish culture (Stats. 1911, p. 378) .....	5 00

Wholesale fish and game dealers' license for citizens and aliens with first papers .....	\$ 5 00
Aliens .....	20 00
Game rearing license.....	25 00

#### State Board of Health.

Certified copy of marriage record (Pol. C. 3083).....	.50
Certified copy of birth record (Pol. C. 3083).....	.50
Search of records for above, per hour (Pol. C. 3083).....	.50
Certified copy of death record (Stats. 1911, p. 287).....	.50
Search of records for each hour and fractional part (Stats. 1911, p. 287) .....	.50

#### State Board of Medical Examiners.

Application for certificate .....	25 00
In case credentials are insufficient or applicant does not take the examination, \$15 of the fee is returnable (Stats. 1913, p. 725).	
Registration for physicians and surgeons (Stats. 1913, p. 730)	50 00
Application for examination for physicians and surgeons.....	50 00
Of which \$40 is returned should certificate not be issued (Stats. 1913, p. 731).	
Issuing subpoenas (Stats. 1907, p. 252).....	20

#### State Board of Optometry.

(Stats. 1913, p. 1101.)

Application for examination fee.....	20 00
Certificate of registration.....	5 00
Renewal fee, if paid before August 1st.....	2 00
Renewal fee, if paid after August 1st.....	5 00
For restoring forfeited certificate of registration.....	25 00

#### State Board of Pharmacy.

(Stats. 1905, p. 535.)

Every application for registration, whether as assistant, licen- tiate, or on credentials, must be accompanied by a fee of.		10 00
For licentiate certificate (if granted), an additional.....		5 00
For registration and certificate on credentials and experience (if granted), an additional.....		15 00
For temporary certificate .....		3 00
For reissue of certificate.....		3 00
For re-registration as licentiate .....		2 00
For re-registration as assistant .....		1 00
Fee of \$10 which accompanies application is retained in all cases.		
For the registration of an apprentice, no fee is charged.		
All fees must be paid when applications are filed.		
Semi-annual license of itinerant venders of drugs (Stats. 1907, p. 765) .....		100 00
For permit to general dealers in rural districts, annual fee (Stats. 1909, p. 1016).....		8 00

**State Building and Loan Commissioner.**

(Stats. 1905, p. 659.)

For appraisalment within corporate limits not exceeding.....	\$3 00
For appraisalment outside of corporate limits not exceeding....	5 00

**State Controller.**

Filing transcript of judgment (C. C. P. 710).....	.50
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**State Dairy Bureau.**

(Stats. 1911, p. 959.)

For license to manufacturer of butter substitute—annual....	100 00
For license to wholesale dealers .....	50 00
For license to retail dealers .....	5 00
For license to hotel, restaurant or boarding-house keeper....	2 00

(Stats. 1905, p. 468.)

License fee, manufacturers of renovated butter within the state .....	1,000 00
Wholesale dealers .....	400 00
Retail dealers .....	50 00
Hotels, restaurants, boarding-houses, etc.....	10 00

**State Land Office.**

See Surveyor General.

**State Registrar of Vital Statistics.**

See State Board of Health.

**State Superintendent of Banks.**

See Superintendent of Banks.

**State Treasurer.**

(Stats. 1912, p. 639.)

For the registration of every motorcycle, including the right of the owner thereof to operate the vehicle.....	2 00
For the registration of every automobile of less than twenty horse-power .....	5 00
For the registration of every automobile of twenty horse-power and above, but less than thirty horse-power.....	10 00
For the registration of every automobile of thirty horse-power and above, but less than forty horse-power.....	15 00
For the registration of every automobile of forty horse-power and above, but less than fifty horse-power.....	20 00
For the registration of every automobile of fifty horse-power and above, but less than sixty horse-power.....	25 00
For the registration of every automobile of sixty horse-power and above .....	30 00
For the registration of motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, if such persons operate upon the public highways not more than five automobiles.....	50 00



**FEE TABLE.**

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And for every automobile in excess of five so operated.....	\$10 00
For the registration of all of the motorcycles owned by or under the control of a manufacturer of or dealer in motorcycles who does not manufacture or deal in automobiles, including five seals to be furnished with the certificates of registration .....	5 00
For the registration of every automobile and of the motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, who applies therefor during the period beginning with the first day of August and ending on the thirty-first day of December, in any year.....	
.....One-half of the foregoing fees	
For the substitution of the registration of an automobile for that of a vehicle previously registered.....	2 00
For the substitution of the registration of a motorcycle for that of a motorcycle previously registered.....	1 00
For every original chauffeur's license.....	2 00
For the renewal of any chauffeur's license to operate automobiles .....	2 00
For every additional seal of registration or license.....	50
For every additional number plate furnished to replace such plates as have been lost or mutilated, or which are illegible and for every additional number plate furnished to a manufacturer of or dealer in motor vehicles whose business requires more than five pairs of such plates.....	75
For every additional seal furnished to replace such seals as have been lost or mutilated, or which are illegible, and for every seal furnished to a manufacturer of or dealer in automobiles for use on motorcycles owned by or under the control of such persons.....	50
Provided, however, that the State department of engineering may furnish without charge copies of seals of registration and licenses to operate, and copies of other documents relating thereto, to officers of the State or of any court thereof or of a city or town therein.	
For issuing duplicate chauffeur's badge.....	1 00
Certified copy of bond of Secretary of State (Pol. C. 957) .....	
.....Same as other certified copies	

**Superintendent of Banks.**

(Bank Act.)

For examination of title of securities deposited with state treasurer by trust companies not to exceed.....	20 00
For appraisement, per mortgage or deed of trust for each appraiser .....	5 00
For certificate of approval of branch office.....	50 00
For certificate of approval of department.....	50 00
For extra examination, per day, not to exceed.....	20 00
For copy of process to foreign corporations.....	2 00

**Superintendent of Schools—County.**

Receiving application for teacher's certificate, other than temporary (Pol. C. 1565).....	\$2 00
Receiving application for renewal of teacher's certificate (Pol. C. 1565) .....	2 00

**Superior Court.**

See County Clerk; Jurors; Sheriff; Referees; Receivers; Witnesses.

**Supreme Court of California, Clerk of.**

(Pol. C. 752.)

Filing transcript on appeal, civil cases.....	10 00
Filing petition for rehearing.....	2 50
Filing motion to dismiss appeal on clerk's certificate.....	2 50
Filing petition for writ of mandate.....	7 50
Filing petition for writ of review.....	7 50
Filing petition for writ of prohibition.....	7 50
Filing order extending time to file transcript.....	50
Certificate of admission as attorney and counselor.....	10 00
Filing each paper in writs of error to the Supreme Court of the United States .....	25
Making record in writs of error to the Supreme Court of the United States, per folio.....	10
Making copies of any record of document in his office (not taxed against parties to suit for any paper or copy of paper up to and including remittitur), per folio.....	10
Comparing any document requiring a certificate, which was not printed or typewritten from the same type or at the same time as the original or which has <i>not</i> been corrected in all respects to conform therewith, per folio.....	05
Comparing any document requiring a certificate which <i>was</i> printed or typewritten from the same type or at the same time as the original and <i>has</i> been corrected in all respects to conform therewith, per folio.....	01
Administering oaths for verification of claims against State...	Nil
For other services....The same fees as prescribed for notaries public	

**Supreme Court United States, Marshal of.**

(U. S. Comp. Stats. 1901, p. 641.)

For the service of any warrant—

For each person on whom such service is made .....	1 00
For service of any attachment.....	1 00
For service of any summons.....	1 00
For service of any <i>capias</i> .....	1 00
For service of any writ, except execution, venire, or a summons, or subpoena for a witness.....	1 00
Fees for all other services, the same as are allowed to other marshals.	

**Surveyor General.**

For license to surveyor (Stats. 1907, p. 310).....	\$10 00
For duplicate license (Stats. 1907, p. 310).....	5 00
(Pol. C. 501.)	
Certificate of purchase.....	3 00
Duplicate certificate of purchase.....	3 00
Patent .....	5 00
Duplicate of patent .....	5 00
Certifying contested case to Superior Court.....	10 00
Copies of papers, per folio.....	20
And for certificate with seal attached.....	1 00
Receiving and filing application to purchase public lands (Pol. C. 3574) .....	5 00

**Tax Collector.**

For issuing license (Pol. C. 3364).....	1 00
For services required to be performed in the formation, government and control of overflow district (Stats. 1911, p. 1397) .....	No fees

**Treasurer.**

See State Treasurer.

**Trustees in Bankruptcy.**

(Bankruptcy Act, § 487.)

Trustees in bankruptcy shall receive for their services.....	5 00
A commission on moneys disbursed or turned over to any person, and not exceeding—	
On the first \$500.....	6%
Over \$500 and less than \$1,500.....	4%
Over \$1,500 and less than \$10,000.....	2%
In excess of \$10,000.....	1%

In case of composition, not exceeding  $\frac{1}{2}$  of 1% on the amount to be paid to creditors on composition.

Where the business is conducted by trustee, court may allow *additional compensation* by way of commissions upon the money disbursed or turned over, not exceeding—

On the first \$500.....	6%
Over \$500 and less than \$1,500.....	4%
Over \$1,500 and less than \$10,000.....	2%
In excess of \$10,000.....	1%

In case of composition, not exceeding  $\frac{1}{2}$  of 1% on the amount to be paid to creditors on composition.

**University of California.**

(Stats. 1903, p. 259.)

For registering fertilizer annually.....	50 00
For analysis of sample of guaranteed fertilizer.....	2 00
License fee on sale of fertilizers at over \$8 per ton, for each ton	25

For certificate of registration of manufacturer, importer, agent of, or dealer in insecticide, selling price of which is not less than $\frac{1}{2}$ ¢ per pound annually (Stats. 1911, p. 1248).....	\$ 1 00
For examination or analysis of samples for registered insecticide (Stats. 1911, p. 1248).....	1 00
For registering nurse (Stats. 1905, p. 533).....	5 00
For re-registration of nurse (Stats. 1905, p. 533).....	1 00

**U. S. Bureau of Patents.**

See Patent Office.

**U. S. Bureau of Pensions.**

See Pensions.

**U. S. Circuit Court of Appeals—Clerk.**

(Act of February 19, 1897. See Order, 169 U. S. 740.)

Docketing case and filing the record.....	5 00
Transferring a case to the printed calendar.....	1 00
Entering an appearance .....	25
Entering a continuance .....	25
Filing a motion, order or other paper.....	25
Entering any rule or making or copying any record or other paper, for each one hundred words.....	20
Entering a judgment or decree.....	1 00
Every search of the records of the court, and certifying the same..	1 00
Affixing a certificate and a seal to any paper.....	1 00
Receiving, keeping and paying money, in pursuance of any statute or order of court, on the amount so received, kept and paid .....	1%
Preparing the record for the printer, indexing the same, supervising the printing, and distributing the copies, for each printed page of the record and index.....	25
Making a manuscript copy of the record, when required by the rules, for each one hundred words (but nothing in addition for supervising the printing).....	20
Issuing a writ of error and accompanying papers or a mandate or other process .....	5 00
Filing briefs for each party appearing.....	5 00
Copy of an opinion of the court, certified under seal, for each printed page (but not to exceed \$5 in the whole for any copy) .....	1 00
Attorney's docket fee.....	20 00

**U. S. Commissioners.**

(Comp. Stats. 1901, p. 652.)

Each United States Commissioner shall be entitled to the following named fees, and none other:

Drawing complaint, with oath and jurat to same.....	50
Copy of complaint, with certificate to same.....	30
Issuing warrant of arrest.....	75

Issuing a commitment and making copy of same.....	\$1 00
Entering a return.....	15
Issuing a subpoena or subpoenas in any one case.....	25
For each necessary witness in addition to the first....	05
Drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties.....	75
Administering an oath (except to witness as to attendance and travel) .....	10
Recognizance of all witnesses in a case, when the defendant or defendants are held for court.....	50
Transcript of proceedings, when required by order of court and transmission of original papers to court.....	60
Copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court....	40
Order in duplicate to pay all witnesses in a case—for first witness.....	30
And for each additional witness.....	05
And for the oath to each witness as to attendance and travel .....	05
Hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, per day for the time necessarily employed.....	5 00
Provided, that not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be especially approved and allowed by the court: Provided, further, that not more than one per diem shall be allowed for any one day: Provided, further, that no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record.	
For the examination and certificate in case of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court.....	3 00
Taking and certifying depositions to file in civil cases, for each folio....	10
For each copy of the same furnished to a party on request, for each folio.....	10
For issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the	

Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article.....	\$2 00
Issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington, November 9, 1843 .....	2 00
For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, per day for the time necessarily employed.....	5 00
For hearing and deciding a case under the Chinese exclusion laws (U. S. Comp. Stats. 1901, p. 1328).....	5 00

### U. S. District Court Clerk's Fees.

(R. S., p. 840; U. S. Comp. Stats., p. 635.)

Issuing and entering every process .....	2 00
Issuing and entering every commission .....	2 00
Issuing and entering every summons .....	2 00
Issuing and entering every <i>capias</i> .....	2 00
Issuing and entering every execution.....	2 00
Issuing and entering every warrant.....	2 00
Issuing and entering every attachment.....	2 00
Issuing and entering every writ, except a writ of venire, or a summons or subpoena for witness.....	2 00
Issuing a writ of summons.....	50
Issuing a writ of subpoena.....	50
Filing and entering every declaration.....	20
Filing and entering every plea, or other paper.....	20
Administering oath or affirmation, except to a juror.....	20
Taking an acknowledgment.....	50
Taking and certifying depositions to file, for each folio of one hundred words.....	50
Copy of such deposition furnished to a party on request, per folio .....	20
Entering any return, per folio....	30
Entering any rule, per folio.....	30
Entering any order, per folio.....	30
Entering any continuance, per folio.....	30
Entering any judgment, per folio.....	30
Entering any decree, per folio.....	30
Entering any recognizance, per folio.....	30
Drawing any bond, per folio.....	30
Making any record, per folio.....	30
Making any certificate, per folio.....	30
Making return or report, per folio.....	30
Copy of any entry or record of any paper on file, per folio....	20
All other services on the trial or argument of a cause where issue is joined and testimony given .....	3 00

Making dockets and indexes, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue.....	\$2 00
Taxing costs in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue.....	2 00
Making dockets and taxing costs, in cases removed by writ of error or appeal.....	2 00
Affixing the seal of the court to any instrument, when required	40
Every search for any particular mortgage, judgment or other lien.....	30
Searching the records of the court for judgments, decrees or other instruments constituting a general lien on real estate, and certifying the result of such search, for each person against whom such search is required to be made.....	30
Receiving, keeping and paying out money, in pursuance of any statute or order of court—on the amount so received, kept and paid.....	2%
Traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, per mile going.....	10
Per mile returning .....	10
Attendance on court per day while in session.....	10 00
On admission of attorney to practice (U. S. Comp. Stats. 1905, p. 160) .....	2 00
(Bankruptcy Act, § 71.)	
Issuing certificate as to whether or not petition or discharge in bankruptcy has been filed.....	
.. . . . The same fees allowed for certificates as to judgments	
(Bankruptcy Act, § 52.)	
As full compensation for services to each estate in bankruptcy except where not required from a voluntary bankrupt....	10 00

**U. S. Marshals.**

(R. S., § 829.)

Service of any warrant.....	2 00
Service of any attachment.....	2 00
Service of any summons .....	2 00
Service of any <i>capias</i> .....	2 00
Service of any other writ, except execution, venire or a summons or subpoena for a witness.....	2 00
Keeping personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.	
Serving venires and summoning twelve men as grand or petit jurors .....	\$4 00 or 33 $\frac{1}{3}$ ¢ each
Where jurors are drawn by lot, by constables or other officers of corporate places, the marshal shall receive, for each jury, for the use of the officers employed in drawing and	

summoning the jurors and returning each venire.....	\$ 2 00
For his own services in distributing the venires.....	2 00
Fees for distributing and serving venires, drawing and summoning jurors by township officers, including the mileage chargeable by the marshal for each service, shall not at any court exceed.....	50 00
Holding a court of inquiry or other proceedings before a jury, including the summoning of a jury.....	5 00
Serving a writ of subpoena on a witness.....	50
Serving a writ of possession, partition, execution, or any final process, the same mileage as is allowed for the service of any other writ.	
For making the service, seizing or levying on property, advertising and disposing of the same by sale, setoff or otherwise according to law, receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the State in which the service is rendered.	
Each bail bond.....	50
Summoning appraisers..	50
Executing a deed prepared by a party or his attorney.....	1 00
Drawing and executing a deed.....	5 00
Copies of writs or papers furnished at the request of any party, per folio.....	10
Every proclamation in admiralty.....	30
Serving an attachment <i>in rem</i> or a libel in admiralty.....	2 00
Necessary expenses of keeping boats, vessels or other property attached or libeled in admiralty, not exceeding per day.....	2 50
When debt or claim in admiralty is settled by the parties without sale of the property, the marshal shall be entitled to a commission—	
On the first five hundred dollars of the claim or decree..	1%
On the excess of any sum thereof over five hundred dollars.....	$\frac{1}{2}$ of 1%
For sale of vessels or other property under process in admiralty, or under order of a court of admiralty and for receiving and paying over money—	
On any sum under five hundred dollars.....	2 $\frac{1}{2}$ %
In excess of any sum over five hundred dollars.....	1 $\frac{1}{2}$ %
Disbursing money to jurors and witnesses, and other expenses	2%
Expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed, in addition to his compensation for services and travel, per day.....	4 00
And for deputy .....	3 00
Every commitment or discharge of a prisoner.....	50
Transporting criminals, for himself and for each prisoner and necessary guard, per mile.....	10



Transporting criminals convicted of a crime in any district or territory where there is no penitentiary available for the confinement of convicts of the United States, to a prison in another district or territory designated by the Attorney General, the reasonable actual expense of transportation of the criminals, the marshal and the guards, and the necessary subsistence and hire.	
Attending the Circuit and District Courts, when both are in session, or either of them when only one is in session, and for bringing and committing prisoners and witnesses during the term, per day.....	\$ 5 00
Attending examinations before a commissioner, and bringing in, guarding and returning prisoners charged with crime, and witnesses, per day ...	2 00
For each deputy not exceeding two, necessarily attending, per day.....	2 00
Traveling from his residence to the place of holding court, to attend a term thereof, per mile for going only.....	10
Travel, in going only, to serve any process, in civil or criminal cases, to be computed from the place where the process is returned to the place of service, or when more than one person is served therewith, to the place of service which is most remote, adding thereto the extra travel which is necessary to serve it on the others, per mile.....	06
Travel, in going only, to serve any warrant, same as above, per mile.....	06
Travel, in going only, to serve any attachment, same as above, per mile.....	06
Travel, in going only, to serve other writ, including writs of subpoena, same as above, per mile.....	06

When more than two writs of any kind required to be served in behalf of the same party on the same person might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the clerk to insert the names of as many witnesses in a cause in such subpoena as convenience in serving the same will permit.

In all cases where mileage is allowed to the marshal, he may elect to receive the same or his actual traveling expenses, to be proved on his oath, to the satisfaction of the court.

From the estate where an adjudication in bankruptcy is made, except as otherwise provided, for the performance of their service in proceedings in bankruptcy, the same fees, as they are entitled to receive for the performance of the same or similar services in other cases in accord with laws now in force, or such as may be hereafter enacted, fixing the compensation of marshals. (Bankruptcy Act, § 52.)

## (Bankruptcy Act, § 48.)

Commissions on moneys disbursed or turned over to any person not exceeding on the first \$500.....	6%
Over \$500 and less than \$1,500.....	4%
Over \$1,500 and less than \$10,000.....	2%
In excess of \$10,000.....	1%
In case of composition, not exceeding $\frac{1}{2}$ of 1% on the amount to be paid to creditors on composition.	
When marshal acts as mere custodian, and does not carry on the business of the bankrupt, not exceeding on the first \$1000....	2%
On all above \$1,000.....	$\frac{1}{2}$ of 1%
Where the business is conducted by a marshal, additional compensation by way of commissions upon moneys disbursed or turned over, or afterward realized by the trustee from property turned over in kind by the marshal to the trustee, not exceeding on the first \$500.....	
Over \$500 and less than \$1,500.....	6%
Over \$1,500 and less than \$10,000.....	4%
Over \$1,500 and less than \$10,000.....	2%
In excess of \$10,000.....	1%
In case of composition, not exceeding $\frac{1}{2}$ of 1% on the amount to be paid to creditors on composition.	

## U. S. Supreme Court, Clerk of.

(Rule XXIV, U. S. Supreme Court.)

Docketing a case and filing and indorsing the transcript of the record .....	\$ 5 00
Entering an appearance .....	25
Entering a continuance .....	25
Filing a motion, order or other paper.....	25
Entering any rule, or for making or copying any record, or other paper, per folio, each 100 words.....	20
Transferring each case to a subsequent docket and indexing same.....	1 00
Entering a judgment or decree.....	1 00
Each search of the records of the court.....	1 00
Certificate and seal.....	2 00
Receiving, keeping and paying money in pursuance of any statute or order of court—on the amount so received, kept and paid .....	2%
Admission to the bar and certificate under seal.....	10 00
Preparing record or transcript for the printer, indexing the same, supervising the printing, and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, per folio.....	15
Making a manuscript copy of the record, when required under Rule 10, but nothing in addition for supervising the printing, per folio.....	20
Issuing writ of error and accompanying papers.....	5 00

**FEE TABLE.**

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Mandate or other process.....	\$ 5 00
Filing briefs, for each party appearing.....	5 00
Copy of any opinion of the court, or any justice thereof, certified under seal, for every printed page but not exceeding \$5 in the whole for any copy.....	1 00

**Witness' Fees.**

(Pol. C. 4300g.)

Each day's actual attendance, when legally required to attend upon the Superior Court, per day, civil cases.....	2 00
Each day's actual attendance, when legally required to attend upon the Superior Court, per day, criminal cases.....	1 50
Mileage actually traveled, one way only, per mile.....	10
Each day's actual attendance, when legally required to attend before a grand jury.....	1 50
Each mile actually traveled in attending as such witness before a grand jury, one way only.....	10
Each day's attendance upon a Justice's Court, in civil cases only, when legally required to attend, per day.....	1 00
Each mile actually traveled, in civil cases only, in a Justice's Court, in going only.....	10

Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

**El Dorado.**

In criminal cases in the Superior Court (when necessary for the expenses of the witness) per diem.....	2 00
Mileage, one way.....	15

**Inyo.**

Superior Court, per diem.....	2 00
Mileage, going only.....	20
Justice's Court in civil cases only, per diem.....	2 00
Mileage going only (in civil cases only).....	20
Before the Grand Jury, per diem.....	2 00
Mileage, going only.....	20

**Stanislaus.**

In criminal cases and cases of dependent and delinquent persons, per diem.....	2 00
Mileage, one way.....	10

**Tuolumne.**

(Pol. C. 4268.)

Superior Court criminal cases (for indigent witnesses only), per diem.....	1 50
Mileage, one way only.....	10

**Witness' Fees—Federal Courts.**

(U. S. Comp. Stats. 1901, p. 654.)

For each day's attendance in court, or before any officer pursuant to law .....	\$1 00
And for going from his place of residence to the place of trial or hearing, per mile.....	05
And for returning, per mile.....	05

When a witness is subpoenaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance.

Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation per day of.....	1 00
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**Witness' Fees—State Railroad Commission.**

For each day's attendance.....	2 00
Mileage, each way.....	5

**Witnesses—Compensation of Seamen Sent Home as.**

(Comp. Stat. 1901, p. 655.)

There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, charge d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding.....	1 00
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For each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States. When such seaman or person is transported in an armed vessel of the United States, no charge for subsistence or transportation shall be allowed.

When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case.....	50
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A day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

**No Fee.**

By any officer for anything connected with apprenticing homeless minor. (C. C. 268.)

For filing statement or affidavit of committee or candidate voted for at public election. (Pol. C. 4301.)

For filing or swearing to any claim or demand against a county. (Pol. C. 4301.)

*Habeas corpus*, etc. (Pol. C. 4297.)

For administering or certifying to any request of National Guard. (Pol. C. 2106.)

Recording certificates of births and marriages. (Pol. C. 3078.)

No member of the legislature or State officer shall be charged for any search relative to matters appertaining to the duties of his office; nor shall he be charged any fee for a certified copy of any law or resolution passed by the legislature relative to his official duties. (Pol. C. 409.)

Pension matters. (Pol. C. 4301.)

Registration. (Pol. C. 1071.)

On estates less than \$75 for burial purposes. (C. C. P. 1726a.)

## **RATE SCHEDULE OF BONDING COMPANIES FOR COURT, FIDUCIARY, INSOLVENCY AND PROBATE BONDS.**

*Applicable to California.*

### **Rate for Bonds Required of Litigants.**

Appeal, attachment, *certiorari*, condemnation of land, costs, counter-replevin, damages, discharge of injunction, execution, forthcoming, garnishment, injunction, land damage, libelants, *mandamus*, petitioning creditors, postponement or adjournment of trial, release, removal of cause, replevin, right of way, stay of execution, stay of proceedings, stipulation for costs, stipulation for value, *supersedeas*, writ of error, writ of prohibition, or any bond to enable plaintiff or defendant to pursue the remedy of the courts, or staying or guaranteeing the payment of any recovery or relief, \$5 per M per annum.

To indemnify sheriff or marshal or other officer for seizure of property under writ of attachment, execution, replevin, etc., or under Federal Bankruptcy Act, \$5 per M per annum.

Minimum premium for all the above court bonds up to and including \$500, \$5 per annum.

Minimum premium for bonds over \$500, \$10 per annum.

On all court bonds premium is computed on the penalty of the bond; except that if an undertaking without penalty is given, premium computed on the estimated liability to be ascertained by adding to the amount of the value of the property, or of the judgment or claim, or other matter in controversy, two years' interest at six per cent (6%) per annum, and \$250 probable costs.

To release mechanics' liens which have been filed or to release *lis pendens* or to release or guarantee payment of lien of judgment, mortgage or other liens existing on property, \$10 per M per annum.

Minimum premium for liens not exceeding \$200, \$5 per annum.

Where the amount of liens exceeds \$200, \$10 per annum.

**Arrest in Civil Proceedings.**

Bonds to procure order of arrest, discharge from arrest, bail, or jail liberties in civil actions only, \$10 per M per annum—Minimum, \$10.

**Bail Bonds in Criminal Proceedings.**

\$20 per M per annum—Minimum \$10.

The premium of \$20 per thousand for bail bonds in criminal proceedings shall cover such subsequent bail bonds or recognizances as may be required of the same principal for the same offense, and during the same year, provided the penalty thereof is not increased. Should the penalty of subsequent bonds be increased, the premium of \$20 per thousand per annum shall be charged on such increase; and should it be diminished no abatement from the original premium shall be made therefor.

**Pure Food and Drugs Act.**

Adulteration, misbranding and other violations of the Pure Food and Drugs Act are misdemeanors; bonds for defendant prosecuted under this act, or for the release of goods seized under the act, are therefore criminal bail bonds, rated at \$20 per M.

**Automobile Bail Bonds.**

\$20 per M—Minimum, \$10.

**Power of Attorney.**

Empowering automobilists to furnish bail bonds covering themselves, their immediate family, and their chauffeur:

One power of attorney for any term not exceeding one year, \$5.

Two powers of attorney for any term not exceeding one year, \$10.

No refund to be made for nonuse or for short term.

On all court bonds extending over one year an annual renewal premium is charged at the same rate as the first premium. When bond is canceled, refund may be made from renewal premiums only of unearned premium at Western Union Short Rate Table. On all court bonds which expire within the first year, the first annual premium paid is deemed to be fully earned, and no rebate therefrom is made; except, however, as follows:

Where bond in preliminary proceedings (as injunction, *certiorari*, *mandamus* or prohibition) has been given and in the same action or proceeding the writ or relief is made permanent, and another bond is required, if new bond is given within six months of the date of preliminary bond, there may be applied to premium on new bond a refund of one-half the premium paid for preliminary bond, such refund, however, not to reduce net premium earned on preliminary bond below the amount of \$10.

Where bond has been given to stay execution of judgment pending permission to appeal; and within six months such permission to appeal is granted, and new bond on appeal is required in the same case, there may be applied to the payment of premium on the subsequent bond a

refund of one-half the premium paid on the former bond, such refund, however, not to reduce the net earned premium on the former bond below \$10.

### **Fiduciary and Insolvency Bonds.**

(For fiduciaries in administration, probate, decedent's estate, or orphan's estate, see p. 1027.)

Rates on these bonds are computed on the penal sum named in the bond; that is, on the amount of the bond irrespective of the amount of the estate or of any estimated liability under the bond.

Receivers of National Banks appointed by the Comptroller of the Currency, \$2.50 per M per annum.

Receivers appointed in all State courts, and receivers in Federal courts except in proceedings under the Federal Bankruptcy Act, \$5 per M per annum.

Minimum premiums on bonds less than \$1,000, \$5 each; on bonds, \$1,000 and upwards, \$10 each.

Receivers in bankruptcy appointed by the Federal bankruptcy court, and trustees in bankruptcy under the Federal Bankruptcy Act:

On bonds up to \$100,000, \$3 per M per annum.

Over \$100,000 up to \$250,000, \$300 for the first \$100,000 and \$2 per M per annum on excess.

Over \$250,000 up to \$500,000, \$600 for the first \$250,000 and \$1.50 per M per annum on excess.

Over \$500,000, \$975 for the first \$500,000 and \$1 per M per annum on excess.

Minimum premiums on bonds for receivers and trustees appointed under Federal bankruptcy law:

Bonds of \$200 and under \$2.50 each; over \$200 and less than \$1,000, \$5 each; \$1,000 and over, \$10 each.

Where a temporary fiduciary is succeeded by a permanent fiduciary (as where a receiver in bankruptcy is succeeded by a trustee in bankruptcy), the earned premium on the temporary fiduciary's bond for the period of liability may be computed at the Short Rate Table (p. 1027), subject to a minimum earned premium on bonds of \$200 and less of \$2.50 each, and for bonds over \$200 of \$5 each.

Commissioners, masters or referees appointed by Federal or State courts for the sale of property under foreclosure, or for the sale of property for the benefit of creditors, in litigation or in liquidating or winding up proceedings, where such commissioners are not charged with the performance of any duties in the conduct of their trust, other than such sale and the distribution of its proceeds, \$3 per M per annum—Minimum, \$5 per annum for each appointee.

Assignee or trustee for the benefit of creditors under State laws, and bonds given by survivor of partnership, \$10 per M per annum—Minimum, \$10 per annum.

Where assignors for the benefit of creditors are petitioned into bankruptcy and the assigned estate is turned over to the custody of the Federal bankruptcy courts, if the assignee's account is approved and

his bond released by the bankruptcy court, the amount allowed to him by such court for premium on his bond as assignee may be accepted as the minimum earned premium on such bond for the period of liability. If no premium is allowed the assignee by the bankruptcy court, then the minimum earned premium on his bond as assignee is \$5 per thousand.

On all bonds for the fiduciaries, receivers, assignees, or trustees in bankruptcy or insolvency extending over one year, an annual renewal premium is charged at the same rate as the first premium. When bond is canceled, refund may be made from renewal premiums only at Western Union Short Rate Table (p. 1027). Where such bond expires within the first year, the first annual premium paid is deemed to be fully earned, and no rebate therefrom is made; except, however, as follows:

Where the receivership or trust is closed and taken from the further custody of the court either by winding up and distribution to creditors, or by composition and settlement, or by the reassignment of the estate, no refund of unearned premium shall be made.

Where a trust or receivership is retained in the custody of the court, but a different fiduciary is appointed to carry out the orders of the court, or the same fiduciary is appointed in a different capacity, or a temporary fiduciary is succeeded by a permanent fiduciary (as where a receiver in bankruptcy is succeeded by a trustee in bankruptcy), if the successor or permanent fiduciary is former or temporary fiduciary, bond may be computed at the Short Rate Table; no refund for unearned premium, however, shall be given which shall reduce the net earned premium below the minimum premiums herein given. The same rule applies where a receiver or other fiduciary is appointed to succeed himself in winding up the same estate and is required to give a new bond for that purpose. In any case where no bond is given by the successor or permanent fiduciary, no refund shall be made from the premium paid by the former or temporary fiduciary.

#### **Probate Bonds in Probate, Decedents', Orphans', or Incompetents' Estates.**

Rates on these bonds are computed on the penal sum named in the bond; that is, on the amount of the bond irrespective of the amount of the estate, or of any estimated liability under the bond.

Administrator, special administrator, administrator with the will annexed, administrator d. b. n., administrator to sell real estate, executor, general guardian, special guardian, guardian *ad litem*, guardian on sale of real estate, trustee under will or deed, or on sale of real estate, and commissioner for sale of real property:

Bonds up to and including \$10,000. \$4 per M per annum.

No premium less than \$10 where the bond is in the amount of \$1,000 or over. Where bond is less than \$1,000, no premium less than \$5.

Bonds over \$10,000, up to \$100,000, \$40 for the first \$10,000, and \$3 per M per annum on excess.

No premium more than \$300 for bond of \$100,000 or less.

Bonds over \$100,000 up to \$250,000, \$300 for the first \$100,000 and \$2 per M per annum on excess.



Bonds over \$250,000 up to \$500,000, \$600 for the first \$250,000 and \$1.50 per M per annum on excess.

Bonds over \$500,000, \$975 for the first \$500,000, and \$1 per M per annum on excess.

On all fiduciaries' bonds under this title extending over one year, an annual renewal premium is charged in the amount of two-thirds the first premium. On all such bonds of less than \$1,000, the minimum first premium is \$5, and the minimum annual renewal premium is \$5. On all such bonds of \$1,000 or more, the minimum first premium is \$10, and the minimum annual renewal premium is \$10. If premium for two or more years is paid in advance, the minimum premium herein given applies to the first year, and two-thirds thereof is the minimum premium for each subsequent year for which advance payment is made. On all fiduciaries' bonds under this title expiring within the first year, the first annual premium paid is deemed to be fully earned, and no rebate therefrom is made, except, however, as follows:

Where a fiduciary succeeds himself in a different capacity but retains custody of the same estate and is required to give new bond for his new appointment within less than a year of the date of execution or renewal of his first bond, the earned premium on the first bond may be computed in accordance with the short rate table, and there may be applied to the premium on the new bond a refund of the unearned premium paid for the first bond; such refund, however, not to reduce the premium earned on the first bond below \$5 if the first bond is in the sum of \$1,000 or less or below \$10 if the first bond is in the sum of more than \$1,000.

Where the liability on the bond of a receiver, administrator, or other fiduciary has been reduced by competent evidence or by an order of a competent court, based on a legal distribution of the assets, or a portion of the assets of the estate, the renewal premium on the bond for the second and subsequent years may be reduced in the same proportion, unless there remains in the estate undistributed assets equal to the amount of the bond, in which case there is no other reduction of annual renewal premium than provided for in the rate table. No reduction, however, by reason of distributed assets or otherwise shall make the annual renewal premium so long as the bond or any part thereof remains in force, less than \$5.

Where a guardian is appointed for two or more minors in the same family, and entitled to a share of the same estate, and a separate bond is required to be given by him for each minor, the premium for the first and subsequent years is calculated upon the sum total of all the guardians' bonds thus required for the whole estate instead of a minimum charge for each separate bond. When a trustee gives separate bonds covering individual trusts created by one instrument, the premium thereon is computed on the sum total of such bonds.

If two or more receivers, administrators, or other fiduciaries are appointed for the same estate and give a joint bond, there is charged a single premium computed on the penalty of such joint bond.

Where two or more receivers, administrators or other fiduciaries are appointed for the same estate and each give separate bond, there is charged one full premium at regular rates computed on the penalty of one such bond; plus an additional charge of 15% of the regular premium to be computed on the penalty of each additional bond required. Where separate bonds are thus given for joint fiduciaries of the same estate and are written in more than one surety company, agents arrange that the gross premium for all fiduciaries, computed according to this rule, are so divided that an equal amount thereof is charged on each fiduciary's bond.

Where two or more receivers, administrators or other fiduciaries are appointed to jointly administer a receivership, estate or other trust, and one of such fiduciaries is a trust company or other corporation which by statute or charter is relieved from giving bond, the rate on the bonds given by those fiduciaries of whom bond is required is:

For one bond covering one or more bonded fiduciaries acting jointly with a nonbonded trust company:

60 per cent of the regular first and renewal premiums.

For two such individual fiduciaries, each giving separate bond, 30 per cent for each.

For each one of three, 25 per cent.

For each one of four or more, 20 per cent.

Where a fiduciary is required to file an additional bond, the following rules are the guide as to the computation of premium:

1. Where the additional bond is of the same character as the first bond given by the fiduciary to qualify for his office, and is required simply because further assets of the estate have been discovered, premium is computed on the total amount of the first bond and the additional bond. Thus, if the first bond is \$100,000, and further assets of the estate are discovered requiring an additional bond of \$100,000, the premium of \$300 having been paid on the first bond, premium on the second will be \$200, being equivalent to total premium of \$500 for a total penalty of \$200,000.

2. Where new bond is required for the same fiduciary in the same estate, more than a year after his first appointment and therefore when the "two-thirds rule" applies to renewal premium on his original bond, the "two-thirds rule" will likewise apply to the first premium on the new bond. Where new bond is given for a new appointee succeeding the first fiduciary, the "two-thirds rule" shall not apply to the first premium on the bond of the new appointee. The new appointment and new bond constitute a new risk, for which the regular first year's premium shall be charged.

3. Where a fiduciary has given general bond to qualify for his office, and an additional bond is subsequently required for the sale of real property of the estate:

a. If the fiduciary's first bond given to qualify him for his office is based on the total value of the estate, both real and personal property, the premium on any additional bond required of him for the sale of any

such real property of the estate (already covered by his first bond) is one-half the regular rate.

b. Where the fiduciary's first bond given to qualify him for his office is based only on the value of the personal property of the estate, or includes only rents and profits of the real property, and not the value of the fee of the real property, the premium on a bond subsequently required of him for the sale of real property of the estate is computed at regular rates for such bond as a separate and distinct risk. Such bond is not entitled to the benefit of the rule for a fiduciary succeeding himself in a different capacity, nor is it entitled to have premiums computed upon it as an addition to the fiduciary's general bond.

### Refunding Bonds.

Bonds given by a creditor or heir or distributee or legatee to an executor or administrator to secure an advance payment of his interest in an estate prior to its final settlement: Rate, \$10 per M flat for term of bond—Minimum, \$10.

### Bonds Guaranteeing Against Decedent's Debts.

Bonds running to purchasers of real estate of a decedent sold by heirs prior to the expiration of the time for presentation of claims against an estate: Rate, \$10 per M flat for term of bond—Minimum, \$10.

### Bonds Given by Heirs of an Estate.

Partial distribution of decedent's estate, under sections 1658 and 1661, California Code of Civil Procedure: Rate, \$10 per M flat for term of bond—Minimum, \$5.

## SHORT RATE TABLE.

(Western Union.)

	Per cent of Annual Premium.		Per cent of Annual Premium.
1 day .....	2	19 days .....	16
2 days .....	4	20 days .....	17
3 days .....	5	25 days .....	19
4 days .....	6	30 days .....	20
5 days .....	7	35 days .....	23
6 days .....	8	40 days .....	26
7 days .....	9	45 days .....	27
8 days .....	9	50 days .....	28
9 days .....	10	55 days .....	29
10 days .....	10	60 days .....	30
11 days .....	11	65 days .....	33
12 days .....	12	70 days .....	36
13 days .....	13	75 days .....	37
14 days .....	13	80 days .....	38
15 days .....	14	85 days .....	39
16 days .....	14	90 days or 3 months.....	40
17 days .....	15	105 days .....	45
18 days .....	16	120 days or 4 months.....	50

	Per cent of Annual Premium.		Per cent of Annual Premium.
135 days .....	55	255 days .....	83
150 days or 5 months .....	60	270 days or 9 months .....	85
165 days .....	65	285 days .....	88
180 days or 6 months .....	70	300 days or 10 months .....	90
195 days .....	73	315 days .....	93
210 days or 7 months .....	75	330 days or 11 months .....	95
225 days .....	78	360 days or 12 months .....	100
240 days or 8 months .....	80		

### TITLE INSURANCE RATES.

Amount of Policy.	Premium.	Amount of Policy.	Premium.
Up to ..... \$1000	\$15.00 to 15.00	Up to ..... \$6000	\$40.00 to 45.00
Up to ..... 1500	17.50 to 20.00	Up to ..... 6500	42.50 to 50.00
Up to ..... 2000	20.00 to 25.00	Up to ..... 7000	45.00 to 50.00
Up to ..... 2500	22.50 to 30.00	Up to ..... 7500	47.50 to 55.00
Up to ..... 3000	25.00 to 30.00	Up to ..... 8000	50.00 to 55.00
Up to ..... 3500	27.50 to 35.00	Up to ..... 8500	52.50 to 60.00
Up to ..... 4000	30.00 to 35.00	Up to ..... 9000	55.00 to 60.00
Up to ..... 4500	32.50 to 40.00	Up to ..... 9500	57.50 to 65.00
Up to ..... 5000	35.00 to 40.00	Up to ..... 10000	60.00 to 65.00
Up to ..... 5500	37.50 to 45.00	Over ..... 10000	Special rates

### RULES UNITED STATES SUPREME COURT.

**Rule 1. Clerk.**—1. The clerk of this court shall reside and keep office at the seat of the National government, and he shall not practice, either as attorney or counselor, in this court, or in any other court, while he shall continue to be clerk of this court.

2. The clerk shall not permit any original record or paper to be taken from the courtroom or from the office, without an order from the court, except as provided by Rule 10.

**Rule 2. Attorneys and Counselors.**—1. It shall be requisite to the admission of attorneys or counselors to practice in this court that they shall have been such for three years past in the Supreme Courts of the States to which they respectively belong, and that their private and professional character shall appear to be fair.

2. They shall respectively take and subscribe the following oath or affirmation, viz.:

I, ....., do solemnly swear (or affirm) that I will demean myself, as an attorney and counselor of this court, uprightly, and according to law; and that I will support the Constitution of the United States.

**Rule 3. Practice.**—This court considers the former practice of the courts of king's bench and of chancery, in England, as affording outlines for the practice of this court; and will, from time to time, make such alterations therein as circumstances may render necessary.

**Rule 4. Bill of Exceptions.**—The judges of the Circuit and District Courts shall not allow any bill of exceptions which shall contain the

charge of the court at large to the jury in trials at common law, upon any general exception to the whole of such charge. But the party excepting shall be required to state distinctly the several matters of law in such charge to which he excepts; and those matters of law, and those only, shall be inserted in the bill of exceptions and allowed by the court.

**Rule 5. Process.**—1. *In Name of President.*—All process of this court shall be in the name of the President of the United States, and shall contain the Christian names, as well as the surnames, of the parties.

2. *Against State.*—When process at common law or in equity shall issue against a State, the same shall be served on the governor, or chief executive magistrate, and Attorney General of such State.

3. *In Equity.*—Process of subpoena, issuing out of this court, in any suit in equity, shall be served on the defendant sixty days before the return day of the said process; and if the defendant, on such service of the subpoena, shall not appear at the return day, the complainant shall be at liberty to proceed *ex parte*.

**Rule 6. Motions.**—1. *In Writing.*—All motions to the court shall be reduced to writing, and shall contain a brief statement of the facts and objects of the motion.

2. *Argument of Motion.*—One hour on each side shall be allowed to the argument of a motion, and no more, without special leave of the court, granted before the argument begins.

3. *Motion to Dismiss.*—No motion to dismiss, except on special assignment by the court, shall be heard, unless previous notice has been given to the adverse party, or the counsel or attorney of such party.

4. *Motions to Dismiss Writs of Error and Appeals.*—All motions to dismiss writs of error and appeals, except motions to docket and dismiss under Rule 9, must be submitted in the first instance on printed briefs or arguments. If the court desires further argument on that subject, it will be ordered in connection with the hearing on the merits. The party moving to dismiss shall serve notice of the motion, with a copy of his brief of argument, on the counsel for plaintiff in error or appellant of record in this court, at least three weeks before the time fixed for submitting the motion, in all cases except where the counsel to be notified resides west of the Rocky Mountains, in which case the notices shall be at least thirty days. Affidavits of the deposit in the mail of the notice and brief to the proper address of the counsel to be served, duly postpaid, at such time as to reach him by due course of mail, the three weeks or thirty days before the time fixed by the notice, will be regarded as *prima facie* evidence of service on counsel who reside without the District of Columbia. On proof of such service, the motion will be considered, unless, for satisfactory reasons, further time be given by the court to either party.

5. *Motion to Affirm.*—There may be united, with a motion to dismiss a writ of error or an appeal, a motion to affirm on the ground that, although

the record may show that this court has jurisdiction, it is manifest the writ or appeal was taken for delay only, or that the question on which the jurisdiction depends is so frivolous as not to need further argument.

**6. Arguments on Saturday—Motion Day.**—The court will not hear arguments on Saturday (unless for special cause it shall order to the contrary), but devote that day to the other business of the court. The motion day shall be Monday of each week; and motions not required by the rules of the court to be put on the docket shall be entitled to preference immediately after the reading of opinions, if such motions shall be made before the court shall have entered upon the hearing of a case upon the docket.

**Rule 7. Law Library.**—1. *Order to Take Books.*—During the session of the court, any gentleman of the bar having a case on the docket, and wishing to use any book or books in the law library, shall be at liberty, upon application to the clerk of the court, to receive an order to take the same (not exceeding at any one time three) from the library, he being thereby responsible for the due return of the same within a reasonable time, or when required by the clerk. It shall be the duty of the clerk to keep, in a book for that purpose, a record of all books so delivered, which are to be charged against the party receiving the same. And in case the same shall not be so returned, the party receiving the same shall be responsible for and forfeit, and pay twice the value thereof, and also one dollar per day for each day's detention beyond the limited time.

2. *Clerk to Deposit Record in Every Case.*—The clerk shall deposit in the law library to be there carefully preserved, one copy of the printed record in every case submitted to the court for its consideration, and of all printed motions, briefs, or arguments filed therein.

3. *Marshal to Take Charge of Books.*—The marshal shall take charge of the books of the court, together with such of the duplicate law books as Congress may direct to be transferred to the court, and arrange them in the conference-room, which he shall have fitted up in a proper manner; and he shall not permit such books to be taken therefrom by anyone except the justices of the court.

**Rule 8. Writ of Error, Return and Record.**—1. *Clerk to Make Return.*—The clerk of the court to which any error may be directed shall make return of the same, by transmitting a true copy of the record, and of the assignment of errors, and of all proceedings in the case, under his hand and the seal of the court.

2. *Clerk to Transmit Opinion.*—In all cases brought to this court, by writ of error or appeal, to review any judgment or decree, the clerk of the court by which such judgment or decree was rendered shall annex to and transmit with the record a copy of the opinion or opinions filed in the case.

3. *Complete Record to be Filed.*—No case will be heard until a complete record, containing in itself and not by reference, all the papers,

exhibits, depositions, and other proceedings which are necessary to the hearing in this court, shall be filed.

4. *Order for Safekeeping of Original Papers.*—Whenever it shall be necessary or proper, in the opinion of the presiding judge in any Circuit Court, or District Court exercising Circuit Court jurisdiction, that original papers of any kind should be inspected in this court upon writ of error or appeal, such presiding judge may make such rule or order for the safekeeping, transporting, and return of such original papers as to him may seem proper, and this court will receive and consider such original papers in connection with the transcript of the proceedings.

5. *Return Day.*—All appeals, writs of error and citations must be made returnable not exceeding thirty days from the day of signing the citation, whether the return day fall in vacation or in term time, and be served before the return day.

6. *Record in Admiralty.*—The record in cases of admiralty and maritime jurisdiction, when under the requirements of law the facts have been found in the court below, and the power of review is limited to the determination of questions of law arising on the record, shall be confined to the pleadings, the findings of fact, and conclusions of law thereon, the bills of exceptions, the final judgment or decree, and such interlocutory orders and decrees as may be necessary to a proper review of the case.

**Rule 9. Docketing Cases.**—1. *Plaintiff in Error or Appellant to Docket Case.*—It shall be the duty of the plaintiff in error or appellant to docket the case and file the record thereof with the clerk of this court by or before the return day, whether in vacation or in term time. But, for good cause shown, the justice or judge who signed the citation, or any justice of this court, may enlarge the time, by or before its expiration, the order of enlargement to be filed with the clerk of this court. If the plaintiff in error or appellant shall fail to comply with this rule, the defendant in error or appellee, may have the cause docketed and dismissed upon producing a certificate whether in term time or vacation, from the clerk of the court wherein the judgment or decree was rendered, stating the case and certifying that such writ of error or appeal has been duly sued out or allowed. And in no case shall the plaintiff in error or appellant be entitled to docket the case and file the record after the same shall have been docketed and dismissed under this rule, unless by order of the court.

2. *Defendant in Error or Appellee may Docket.*—But the defendant in error or appellee may, at his option, docket the case and file a copy of the record with the clerk of this court; and if the case is docketed and a copy of the record filed with the clerk of this court by the plaintiff in error or appellant within the period of time above limited and prescribed by this rule, or by the defendant in error or appellee at any time thereafter, the case shall stand for argument.

3. *Appearance of Counsel.*—Upon the filing of the transcript of a record brought up by writ of error or appeal, the appearance of the counsel for the party docketing the case shall be entered.

4. *Period of Rule 8 Extended When.*—In all cases where the period of thirty days is mentioned in Rule 8, it shall be extended to sixty days in writs of error and appeals, from California, Oregon, Nevada, Washington, New Mexico, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Alaska, Idaho, Hawaii and Porto Rico, and to one hundred and twenty days from the Philippine Islands.

**Rule 10. Printing Records.**—1. *Undertaking for Payment of Fees.*—In all cases the plaintiff in error or appellant, on docketing a case and filing the record, shall enter into an undertaking to the clerk, with surety to his satisfaction, for the payment of his fees, or otherwise satisfy him in that behalf.

2. *Cost of Printing Record.*—The clerk shall cause an estimate to be made of the cost of printing the record, and of his fee for preparing it for the printer and supervising the printing, and shall notify to the party docketing the case the amount of the estimate. If he shall not pay it within a reasonable time, the clerk shall notify the adverse party, and he may pay it. If neither party shall pay it, and for want of such payment the record shall not have been printed when a case is reached in the regular call of the docket, after March 1, 1884, the case shall be dismissed.

3. *Twenty-five Copies.*—Upon payment by either party of the amount estimated by the clerk, twenty-five copies of the record shall be printed under his supervision, for the use of the court and of counsel.

4. *Transcript for Printer.*—In cases of appellate jurisdiction the original transcript on file shall be taken by the clerk to the printer. But the clerk shall cause copies to be made for the printer of such original papers, sent up under Rule 8, section 4, as are necessary to be printed; and of the whole record in cases of original jurisdiction.

5. *Printing.*—The clerk shall supervise the printing, and see that the printed copy is properly indexed. He shall distribute the printed copies to the justices and the reporter, from time to time, as required, and a copy to the counsel for the respective parties.

6. *Refunded and Excess.*—If the actual cost of printing the record, together with the fee of the clerk, shall be less than the amount estimated and paid, the amount of the difference shall be refunded by the clerk to the party paying it. If the actual cost and clerk's fee shall exceed the estimate, the amount of the excess shall be paid to the clerk before the delivery of a printed copy to either party or his counsel.

7. *Cost of Printing Taxed.*—In case of reversal, affirmance, or dismissal, with costs the amount of the cost of printing the record and of the clerk's fee shall be taxed against the party against whom costs are given, and shall be inserted in the body of the mandate or other proper process.

8. *Attachment to Compel Payment of Fees.*—Upon the clerk's producing satisfactory evidence, by affidavit or the acknowledgment of the parties or their sureties, of having served a copy of the bill of fees due by them, respectively, in this court, on such parties or their sureties, an



attachment shall issue against such parties or sureties, respectively, to compel payment of said fees.

9. *Clerk to Print Designated Parts of Record Only.*—The plaintiff in error or appellant may, within ninety days after filing the record in this court, file with the clerk a statement of the errors on which he intends to rely, and of the parts of the record which he thinks necessary for the consideration thereof, and forthwith serve on the adverse party a copy of such statement. The adverse party, within ninety days thereafter, may designate in writing, filed with the clerk, additional parts of the record which he thinks material; and if, he shall not do so, he shall be held to have consented to a hearing on the parts designated by the plaintiff in error or appellant. If parts of the record shall be so designated by one or both of the parties, the clerk shall print those parts only; and the court will consider nothing but those parts of the record, and the errors so stated. If at a hearing it shall appear that any material part of the record has not been printed, the writ of error or appeal may be dismissed, or such other order made as the circumstances may appear to the court to require. If the defendant in error or appellee shall have caused unnecessary parts of the record to be printed, such order as to costs may be made as the court shall think proper.

10. *Fees Computed on Record as Filed.*—The fees of the clerk under Rule 24, section 7, shall be computed, as at present, on the folios in the record as filed, and shall be in full for the performance of his duties in the execution hereof.

**Rule 11. Translations.**—Whenever any record transmitted to this court upon a writ of error or appeal shall contain any document, paper, testimony, or other proceedings in a foreign language, and the record does not also contain a translation of such document, paper, testimony, or other proceeding, made under the authority of the inferior court, or admitted to be correct, the record shall not be printed; but the case shall be reported to this court by the clerk, and the court will thereupon remand it to the inferior court, in order that a translation may be there supplied and inserted in the record.

**Rule 12. Further Proof.**—1. *Depositions.*—In all cases where further proof is ordered by the court, the depositions which may be taken shall be by a commission, to be issued from this court, or from any Circuit Court of the United States.

2. *In Admiralty.*—In all cases of admiralty, and maritime jurisdiction, where new evidence shall be admissible in this court, the evidence by testimony of witnesses shall be taken under a commission to be issued from this court, or from any Circuit Court of the United States, under the direction of any judge thereof; and no such commission shall issue but upon interrogatories, to be filed by the party applying for the commission, and notice to the opposite party or his agent or attorney, accompanied with a copy of the interrogatories so filed, to file the cross-interrogatories within twenty days from the service of such notice: Provided, however, that nothing in this rule shall pre-

vent any party from giving oral testimony in open court in cases where by law it is admissible.

**Rule 13. Objections to Evidence in the Record.**—In all cases of equity or admiralty jurisdiction, heard in this court, no objection shall hereafter be allowed to be taken to the admissibility of any deposition, deed, grant, or other exhibit found in the record as evidence, unless objection was taken thereto in the court below and entered of record; but the same shall otherwise be deemed to have been admitted by consent.

**Rule 14. Certiorari.**—No *certiorari* for diminution of the record will be hereafter awarded in any case, unless a motion therefor shall be made in writing, and the facts on which the same is founded shall, if not admitted by the other party, be verified by affidavit. And all motions for *certiorari* must be made at the first term of the entry of the case; otherwise, the same will not be granted, unless upon special cause shown to the court, accounting satisfactorily for the delay.

**Rule 15. Death of a Party.**—1. *Appearance by Representatives—Suggestion of Death.*—Whenever, pending a writ of error or appeal in this court, either party shall die, the proper representatives in the personalty or realty of the deceased party, according to the nature of the case, may voluntarily come in and be admitted parties to the suit, and thereupon the case shall be heard and determined as in other cases; and if such representatives shall not voluntarily become parties, then the other party may suggest the death on the record, and thereupon, on motion, obtain an order that unless such representatives shall become parties within the first ten days of the ensuing term, the party moving for such order, if defendant in error, shall be entitled to have the writ of error or appeal dismissed; and if the party so moving shall be plaintiff in error, he shall be entitled to open the record, and on hearing have the judgment or decree reversed, if it be erroneous; Provided, however, that a copy of every such order shall be printed in some newspaper of general circulation within the State, Territory, or District from which the case is brought, for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court then next ensuing.

2. *Abatement.*—When the death of a party is suggested, and the representatives of the deceased do not appear by the tenth day of the second term next succeeding the suggestion, and no measures are taken by the opposite party within that time to compel their appearance, the cases shall abate.

3. *Writ of Error or Appeal Where No Representative Within the Jurisdiction of the Court Which Rendered Final Judgment or Decree.*—When either party to a suit in a Circuit Court of the United States shall desire to prosecute a writ of error or appeal to the Supreme Court of the United States, from any final judgment or decree, rendered in the Circuit Court, and at the time of suing out such writ of error or appeal the other party to the suit shall be dead and have no

proper representative within the jurisdiction of the court which rendered such final judgment or decree, so that the suit cannot be revived in that court, but shall have a proper representative in some State or Territory of the United States, the party desiring such writ of error or appeal may procure the same, and may have proceedings on such judgment or decree superseded or stayed in the same manner as is now allowed by law in other cases, and shall thereupon proceed with such writ of error or appeal as in other cases. And within thirty days after the commencement of the term to which such writ of error or appeal is returnable, the plaintiff in error or appellant shall make a suggestion to the court, supported by affidavit, that the said party was dead when the writ of error or appeal was taken or sued out, and had no proper representative within the jurisdiction of the court which rendered said judgment or decree, so that the suit could not be revived in that court, and that said party had a proper representative in some State or Territory of the United States, and stating therein the name and character of such representative, and the State or Territory in which such representative resides; and, upon such suggestion, he may, on motion, obtain an order that, unless such representative shall make himself a party within the first ten days of the ensuing term of the court, the plaintiff in error or appellant shall be entitled to open the record, and, on hearing, have the judgment or decree reversed, if the same be erroneous: Provided, however, that a proper citation reciting the substance of such order shall be served upon such representative, either personally or by being left at his residence, at least sixty days before the beginning of the term of the Supreme Court then next ensuing: And provided, also, that in every such case if the representative of the deceased party does not appear by the tenth day of the term next succeeding said suggestion, and the measures above provided to compel the appearance of such representative have not been taken within time as above required, by the opposite party, the case shall abate: And provided, also, that the said representative may at any time before or after said suggestion come in and be made a party to the suit, and thereupon the case shall proceed, and be heard and determined as in other cases.

**Rule 16. No Appearance of Plaintiff.**—Where no counsel appears and no brief has been filed for the plaintiff in error or appellant, when the case is called for trial, the defendant may have the plaintiff called and the writ of error or appeal dismissed, or may open the record and pray for an affirmance.

**Rule 17. No Appearance of Defendant.**—Where the defendant fails to appear when the case is called for trial, the court may proceed to hear an argument on the part of the plaintiff and to give judgment according to the right of the case.

**Rule 18. No Appearance of Either Party.**—When a case is reached in the regular call of the docket, and there is no appearance for either party, the case shall be dismissed at the cost of the plaintiff.

**Rule 19. Neither Party Ready at Second Term.**—When a case is called for argument at two successive terms, and upon the call at the second term neither party is prepared to argue it, it shall be dismissed at the cost of the plaintiff, unless sufficient cause is shown for further postponement.

**Rule 20. Printed Arguments.**—1. *Filing.*—In all cases brought here on writ of error, appeal, or otherwise, the court will receive printed arguments without regard to the number of the case on the docket, if the counsel on both sides shall choose to submit the same within the first ninety days of the term; and, in addition, appeals from the court of claims may be submitted by both parties within thirty days after they are docketed, but not after the first day of April; but twenty-five copies of the arguments, signed by attorneys or counselors of this court, must be first filed.

2. *Printed Argument Equivalent to Appearance.*—When a case is reached in the regular call of the docket, and a printed argument shall be filed for one or both parties, the case shall stand on the same footing as if there were an appearance by counsel.

3. *Must be Filed Before Oral Argument.*—When a case is taken up for trial upon the regular call of the docket, and argued orally in behalf of only one of the parties, no printed argument for the opposite party will be received, unless it is filed before the oral argument begins, and the court will proceed to consider and decide the case upon the *ex parte* argument.

4. *No Brief Received, After a Case Argued.*—No brief or argument will be received, either through the clerk or otherwise, after a case has been argued or submitted, except upon leave granted in open court after notice to opposing counsel.

**Rule 21. Briefs.**—1. *Brief for Plaintiff in Error or Appellant.*—The counsel for plaintiff in error or appellant shall file with the clerk of the court, at least six days before the case is called for argument, twenty-five copies of a printed brief, one of which shall, on application, be furnished to each of the counsel engaged upon the opposite side.

2. *Contents.*—This brief shall contain, in the order here stated—

(1) *Statement of the Case.*—A concise abstract, or statement of the case, presenting succinctly the questions involved and the manner in which they are raised.

(2) *Specification of the Errors.*—A specification of the errors relied upon, which, in cases brought up by writ of error, shall set out separately and particularly each error asserted and intended to be urged; and in cases brought up by appeal the specification shall state, as particularly as may be, in what the decree is alleged to be erroneous. When the error alleged is to the charge of the court, the specification shall set out the part referred to *totidem verbis*, whether it be instructions given or instructions refused. When the error alleged is to a ruling upon the report of a master, the specification shall state the exception to the report and the action of the court upon it.

(3) *Brief of the Argument*.—A brief of the argument, exhibiting a clear statement of the points of law or fact to be discussed, with a reference to the pages of the record and the authorities relied upon in support of each point. When a statute of the State is cited, so much thereof as may be deemed necessary to the decision of the case shall be printed at length.

3. *Brief for Defendant in Error or Appellee*.—The counsel for a defendant in error or an appellee shall file with the clerk twenty-five printed copies of his argument, at least three days before the case is called for hearing. His brief shall be of like character with that required of the plaintiff in error or appellant, except that no specification of errors shall be required, and no statement of the case, unless that presented by the plaintiff in error or appellant is controverted.

4. *When No Assignment of Errors*.—When there is no assignment of errors, as required by section 997 of the Revised Statutes, counsel will not be heard, except at the request of the court; and errors not specified according to this rule will be disregarded; but the court, at its option, may notice a plain error not assigned or specified.

5. *When Plaintiff in Error or Appellant is in Default*.—When, according to this rule, a plaintiff in error or an appellant is in default, the case may be dismissed on motion; and when a defendant in error or an appellee is in default, he will not be heard, except on consent of his adversary, and by request of the court.

6. *When No Oral Argument is Made for One of the Parties*.—When no oral argument is made for one of the parties, only one counsel will be heard for the adverse party.

**Rule 22. Oral Arguments.**—1. *Opinion and Closing*.—The plaintiff or appellant in this court shall be entitled to open and conclude the argument of the case. But when there are cross-appeals they shall be argued together as one case, and the plaintiff in the court below shall be entitled to open and conclude the argument.

2. *Two Counsel*.—Only two counsel will be heard for each party on the argument of a case.

3. *Time*.—Two hours on each side will be allowed for the argument, and no more, without special leave of the court, granted before the argument begins. The time thus allowed may be apportioned between the counsel on the same side, at their discretion; Provided, always, that a fair opening of the case shall be made by the party having the opening and closing arguments.

**Rule 23. Interest.**—1. *Where Judgment Affirmed*.—In cases where a writ of error is prosecuted to this court, and the judgment of the inferior court is affirmed, the interest shall be calculated and levied, from the date of the judgment below until the same is paid, at the same rate that similar judgments bear interest in the courts of the State where such judgment is rendered.

2. *Damages*.—In all cases where a writ of error shall delay the proceedings on the judgment of the inferior court, and shall appear to

have been sued out merely for delay, damages at a rate not exceeding 10 per cent, in addition to interest, shall be awarded upon the amount of the judgment.

3. *Decrees in Equity*.—The same rule shall be applied to decrees for the payment of money in cases in equity, unless otherwise ordered by this court.

4. *In Admiralty*.—In cases in admiralty, damages and interest may be allowed if specially directed by the court.

**Rule 24. Costs.**—1. *On Dismissal for Want of Jurisdiction*.—In all cases where any suit shall be dismissed in this court, except where the dismissal shall be for want of jurisdiction, costs shall be allowed to the defendant in error or appellee, unless otherwise agreed by the parties.

2. *In Cases of Affirmance*.—In all cases of affirmance of any judgment or decree in this court, costs shall be allowed to the defendant in error or appellee, unless otherwise ordered by the court.

3. *In Cases of Reversal*.—In cases of reversal of any judgment or decree in this court, costs shall be allowed to the plaintiff in error or appellant, unless otherwise ordered by the court. The cost of the transcript of the record from the court below shall be a part of such costs, and be taxable in that court as costs in the case.

4. *Where United States a Party*.—Neither of the foregoing sections shall apply to cases where the United States are a party; but in such cases no cost shall be allowed in this court for or against the United States.

5. *Mandate*.—In all cases of the dismissal of any suit in this court, it shall be the duty of the clerk to issue a mandate, or other proper process, in the nature of a *procedendo*, to the court below, for the purpose of informing such court of the proceedings in this court, so that further proceedings may be had in such court as to law and justice may appertain.

6. *Bill of Items*.—When costs are allowed in this court, it shall be the duty of the clerk to insert the amount thereof in the body of the mandate, or other proper process, sent to the court below, and annex to the same the bill of items taxed in detail.

7. *Table of Fees*.—In pursuance of the act of March 3, 1883, authorizing and empowering this court to prepare a table of fees to be charged by the clerk of this court, the following table is adopted:

For docketing a case and filing and indorsing the transcript, five dollars.

For entering an appearance, twenty-five cents.

For entering a continuance, twenty-five cents.

For filing a motion, order, or other paper, twenty-five cents.

For entering any rule, or for making or copying any record or other paper, twenty cents per folio of each one hundred words.

For transferring each case to a subsequent docket and indexing the same, one dollar.

For entering a judgment or decree, one dollar.

For every search of the records of the court, one dollar.

For a certificate and seal, two dollars.

For receiving, keeping, and paying money in pursuance of any statute or order of court, two per cent on the amount so received, kept, and paid.

For an admission to the bar and certificate under seal, ten dollars.

For preparing the record or a transcript thereof for the printer, indexing the same, supervising the printing and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, fifteen cents per folio.

For making a manuscript copy of the record, when required under Rule 10, twenty cents per folio, but nothing in addition for supervising the printing.

For issuing a writ of error and accompanying papers, five dollars.

For a mandate or other process, five dollars.

For filing briefs, five dollars for each party appearing.

For every copy of any opinion of the court or any justice thereof, certified under seal, one dollar for every printed page, but not to exceed five dollars in the whole for any copy.

**Rule 25. Opinion of the Court.**—1. *To be Recorded.*—All opinions delivered by the court shall, immediately upon the delivery thereof, be handed to the clerk to be recorded. And it shall be the duty of the clerk to cause the same to be forthwith recorded, and to deliver a copy to the reporter as soon as the same shall be recorded.

2. *Original Opinions Filed.*—The original opinions of the court shall be filed with the clerk of this court for preservation.

3. *Printed Opinions.*—Opinions printed under the supervision of the justice delivering the same need not be copied by the clerk into a book of records; but at the end of each term the clerk shall cause such printed opinions to be bound in a substantial manner into one or more volumes, and when so bound they shall be deemed to have been recorded within the meaning of this rule.

**Rule 26. Call and Order of the Docket.**—1. *Calling Cases for Argument.*—The court, on the second day in each term, will commence calling the cases for argument in the order in which they stand on the docket, and proceed from day to day during the term in the same order (except as hereinafter provided); and if the parties, or either of them, shall be ready when the case is called, the same will be heard; and if neither party shall be ready to proceed in the argument, the case shall go down to the foot of the docket, unless some good and satisfactory reason to the contrary shall be shown to the court.

2. *Ten Cases Called Each Day.*—Ten cases only shall be considered as liable to be called on each day during the term. But on the coming in of the court on each day the entire number of such ten cases will be called, with a view to the disposition of such of them as are not to be argued.

3. *Criminal Cases*.—Criminal cases may be advanced by leave of the court on motion of either party.

4. *Cases Once Adjudicated*.—Cases once adjudicated by this court upon the merits, and again brought up by writ of error or appeal, may be advanced by leave of the court on motion of either party.

5. *Cases in Which the United States are Concerned*.—Revenue and other cases in which the United States are concerned, which also involve or affect some matter of general public interest, may also by leave of the court be advanced on motion of the Attorney General.

6. *Motions to Advance*.—All motions to advance cases must be printed, and must contain a brief statement of the matter involved, with the reasons for the application.

7. *No Other Case Taken Up Out of the Order*.—No other case will be taken up out of the order on the docket, or be set down for any particular day, except under special and peculiar circumstances to be shown to the court. Every case which shall have been called in its order and passed and put at the foot of the docket shall, if not again reached during the term it was called, be continued to the next term of the court.

8. *Cases Involving the Same Question*.—Two or more cases, involving the same question, may, by the leave of the court, be heard together, but they must be argued as one case.

9. *Reinstatement*.—If, after a case has been passed under circumstances which do not place it at the foot of the docket, the parties shall desire to have it heard, they may file with the clerk their joint request to that effect, and the case shall then be by him reinstated for call ten cases after that under argument, or next to be called at the end of the day the request is filed. If the parties will not unite in such a request, either may move or take up the case, and it shall then be assigned to such place upon the docket as the court may direct.

10. *Stipulation to Pass a Case*.—No stipulation to pass a case without placing it at the foot of the docket will be recognized as binding upon the court. A case can only be so passed upon application made and leave granted in open court.

**Rule 27. Adjournments.**—The court will, at every term, announce on what day it will adjourn at least ten days before the time which shall be fixed upon, and the court will take up no case for argument, nor receive any case upon printed briefs within three days next before the day fixed upon for adjournment.

**Rule 28. Dismissing Cases in Vacation.**—Whenever the plaintiff and defendant in a writ of error pending in this court, or the appellant and appellee in an appeal, shall in vacation, by their attorneys of record, sign and file with the clerk an agreement in writing directing the case to be dismissed, and specifying the terms on which it is to be dismissed as to costs, and shall pay to the clerk any fees that may be due to him, it shall be the duty of the clerk to enter the case dismissed, and to give to either party requesting it a copy of the



agreement filed, but no mandate or other process shall issue without an order of the court.

**Rule 29. Supersedeas.**—*Supersedeas* bonds in the Circuit Courts must be taken, with good and sufficient security, that the plaintiff in error or appellant shall prosecute his writ or appeal to effect, and answer all damages and costs if he failed to make his plea good. Such indemnity, where the judgment or decree is for the recovery of money not otherwise secured, must be for the whole amount of the judgment or decree, including just damages for delay, and costs and interest on the appeal; but in all suits where the property in controversy necessarily follows the event of the suit, as in real actions, replevin, and in suits on mortgages, or where the property is in the custody of the marshal under admiralty process, as in case of capture or seizure, or where the proceeds thereof, or a bond for the value thereof, is in the custody or control of the court, indemnity in all such cases is only required in an amount sufficient to secure the sum recovered for the use and detention of the property, and the costs of the suit, and just damages for delay, and costs and interest on the appeal.

**Rule 30. Rehearing.**—A petition for rehearing after judgment can be presented only at the term at which judgment is entered, unless by special leave granted during the term; and must be printed and briefly and distinctly state its grounds, and be supported by certificate of counsel; and will not be granted, or permitted to be argued, unless a justice who concurred in the judgment desires it, and a majority of the court so determines.

**Rule 31. Form of Printed Records and Briefs.**—All records, arguments, and briefs, printed for the use of the court, must be in such form and size that they can be conveniently bound together, so as to make an ordinary octavo volume; and, as well as all quotations contained therein, and the covers thereof, must be printed in clear type (never smaller than small pica) and on unglazed paper.

**Rule 32. Writs of Error and Appeals Under the Act of February 25, 1889, Chapter 236, or Under Section 5 of the Act of March 3, 1891, Chapter 517.**—Cases brought to this court by writ of error or appeal, under the act of February 25, 1889, chapter 236, or under section 5 of the act of March 3, 1891, chapter 517, where the only question in issue is the question of the jurisdiction of the court below, will be advanced on motion, and heard under the rules prescribed by rule 6, in regard to motions to dismiss writ of error and appeals.

**Rule 33. Models, Diagrams, and Exhibits of Materials.**—1. *Custody of Marshal.*—Models, diagrams, and exhibits of material forming part of the evidence taken in the court below, in any case pending in this court, on writ of error or appeal, shall be placed in the custody of the marshal of this court at least one month before the case is heard or submitted.

2. *Must be Taken Away Within One Month.*—All models, diagrams and exhibits of material, placed in the custody of the marshal for the

inspection of the court on the hearing of a case, must be taken away by the parties within one month after the case is decided. When this is not done, it shall be the duty of the marshal to notify the counsel in the case by mail or otherwise, of the requirements of this rule; and if the articles are not removed within a reasonable time after the notice is given, he shall destroy them, or make such other disposition of them as to him may seem best.

**Rule 34. Custody of Prisoners on Habeas Corpus.**—1. *From Decision Declining to Grant the Writ of Habeas Corpus.*—Pending an appeal from the final decision of any court or judge declining to grant the writ of *habeas corpus*, the custody of the prisoner shall not be disturbed.

2. *From Decision Discharging the Writ.*—Pending an appeal from the final decision of any court or judge discharging the writ after it has been issued, the prisoner shall be remanded to the custody from which he was taken by the writ, or shall, for good cause shown, be detained in custody of the court or judge, or be enlarged upon recognizance as hereinafter provided.

3. *From Decision Discharging the Prisoner.*—Pending an appeal from the final decision of any court or judge discharging the prisoner, he shall be enlarged upon recognizance, with surety, for the appearance to answer the judgment of the appellate court, except where, for special reasons, sureties ought to be required.

**Rule 35. Assignment of Errors.**—1. *Plaintiff in Error or Appellant to File.*—Where an appeal or a writ of error is taken from a District Court or a Circuit Court direct to this court, under section 5 of the act entitled “An act to establish Circuit Courts of Appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,” approved March 3, 1891, the plaintiff in error or appellant shall file with the clerk of the court below, with his petition for the writ of error or appeal, an assignment of errors, which shall set out separately and particularly each error asserted and intended to be urged. No writ of error or appeal shall be allowed until such assignment of errors shall have been filed. When the error alleged is to the admission or to the rejection of evidence, the assignment of errors shall quote the full substance of the evidence admitted or rejected. When the error alleged is to the charge of the court, the assignment of errors shall set out the part referred to *totidem verbis*, whether it be in instructions given or in instructions refused. Such assignment of errors shall form part of the transcript of the record, and be printed with it. When this is not done counsel will not be heard, except at the request of the court; and errors not assigned according to this rule will be disregarded, but the court, at its option, may notice a plain error not assigned.

2. *Record to be Printed.*—The plaintiff in error or appellant shall cause the record to be printed, according to the provisions of Sections 2, 3, 4, 5, 6, and 9, of Rule 10.

**Rule 36. Appeals and Writs of Error.**—1. *When Allowed—Supersedeas.*—An appeal or a writ of error from a Circuit Court or a District

Court direct to this court, in the cases provided for in sections 5 and 6 of the act entitled "An act to establish Circuit Courts of Appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, may be allowed, in term time or in vacation, by any justice of this court, or by any circuit judge within his circuit, or by any district judge within his district, and the proper security be taken and the citation signed by him, and he may also grant a *supersedeas* and stay of execution or of proceedings, pending such writ of error or appeal.

2. *In Criminal Case—Bail.*—Where such writ of error is allowed in the case of a conviction of an infamous crime, or in any other criminal case in which it will lie under said sections 5 and 6, the Circuit Court or District Court or any justice or judge thereof, shall have power, after the citation is served, to admit the accused to bail in such amount as may be fixed.

**Rule 37. Cases from Circuit Court of Appeals.**—1. *Statement of Facts.*—Where, under section 6 of the said act, a Circuit Court of Appeals shall certify to this court a question or proposition of law, concerning which it desires the instruction of this court for its proper decision, the certificate shall contain a proper statement of the facts on which such question or proposition of law arises.

2. *Certified Copy of Record.*—If application is thereupon made to this court that the whole record and cause may be sent up to it for its consideration, the party making such application shall, as a part thereof, furnish this court with a certified copy of the whole of said record.

3. *Application to Require a Case to be Certified.*—Where application is made to this court under section 6 of the said act to require a case to be certified to it for its review and determination a certified copy of the entire record of the case in the Circuit Court of Appeals shall be furnished to this court by the applicant, as part of the application.

**Rule 38. Interest, Costs and Fees.**—The provisions of Rules 23 and 24 of this court, in regard to interest and costs and fees, shall apply to writs of error and appeals and reviews under the provisions of sections 5 and 6 of the said act.

**Rule 39. Mandates.**—Mandates shall issue as of course after the expiration of thirty days from the day the judgment or decree is entered, unless the time is enlarged by order of the court, or of a justice thereof when the court is not in session, but during the term.

## **RULES OF PRACTICE FOR UNITED STATES COURTS OF EQUITY.**

**Rule 1. District Court Always Open for Certain Purposes—Orders at Chambers.**—The District Courts, as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all

interlocutory motions, orders, rules and other proceedings preparatory to the hearing, upon their merits, of all causes pending therein.

Any District Judge may, upon reasonable notice to the parties, make, direct, and award, at Chambers or in the Clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

**Rule 2. Clerk's Office Always Open, Except, etc.**—The Clerk's office shall be open during business hours on all days, except Sundays and legal holidays, and the Clerk shall be in attendance for the purpose of receiving and disposing of all motions, rules, orders and other proceedings which are grantable of course.

**Rule 3. Books Kept by Clerk and Entries Therein.**—The Clerk shall keep a book known as "Equity Docket," in which he shall enter each suit, with a file number corresponding to the folio in the book. All papers and orders filed with the Clerk in the suit, all process issued and returns made thereon, and all appearances shall be noted briefly and chronologically in this book on the folio assigned to the suit and shall be marked with its file number.

The Clerk shall also keep a book entitled "Order Book," in which shall be entered at length, in the order of their making, all orders made or passed by him as of course and also all orders made or passed by the Judge in Chambers.

He shall also keep an "Equity Journal," in which shall be entered all orders, decrees and proceedings of the court in equity causes in term time.

Separate and suitable indices of the Equity Docket, Order Book and Equity Journal shall be kept by the Clerk under the direction of the court.

**Rule 4. Notice of Orders.**—Neither the noting of an order in the Equity Docket nor its entry in the Order Book shall of itself be deemed notice to the parties or their solicitors; and when an order is made without prior notice to, and in the absence of, a party, the Clerk, unless otherwise directed by the court or Judge, shall forthwith send a copy thereof, by mail, to such party or his solicitor and a note of such mailing shall be made in the Equity Docket, which shall be taken as sufficient proof of due notice of the order.

**Rule 5. Motions Grantable of Course by Clerk.**—All motions and applications in the Clerk's office for the issuing of mesne process or final process to enforce and execute decrees; for taking bills *pro confesso*; and for other proceedings in the Clerk's office which do not require any allowance or order of the court or of a Judge, shall be deemed motions and applications grantable of course by the Clerk; but the same may be suspended, or altered, or rescinded by the Judge upon special cause shown.

**Rule 6. Motion Day.**—Each District Court shall establish regular times and places, not less than once each month, when motions requir-

ing notice and hearing may be made and disposed of; but the Judge may at any time and place, and on such notice, if any, as he may consider reasonable, make and direct all interlocutory orders, rulings and proceedings for the advancement, conduct and hearing of causes. If the public interest permits, the senior Circuit Judge of the circuit may dispense with the motion day during not to exceed two months in the year in any district.

**Rule 7. Process, Mesne and Final.**—The process of subpoena shall constitute the proper mesne process in all suits of equity, in the first instance, to require the defendant to appear and answer the bill; and, unless otherwise provided in these rules or specially ordered by the court, a writ of attachment and, if the defendant cannot be found, a writ of sequestration, or a writ of assistance to enforce a delivery of possession, as the case may require, shall be the proper process to issue for the purpose of compelling obedience to any interlocutory or final order or decree of the court.

**Rule 8. Enforcement of Final Decrees.**—Final process to execute any decree may, if the decree be solely for the payment of money, be by a writ of execution, in the form used in the District Court in suits at common law in actions of *assumpsit*. If the decree be for the performance of any specific act, as, for example, for the execution of a conveyance of land or the delivering up of deeds or other documents, the decree shall, in all cases, prescribe the time within which the act shall be done, of which the defendant shall be bound, without further service, to take notice; and upon affidavit of the plaintiff, filed in the Clerk's office, that the same has not been complied with within the prescribed time, the Clerk shall issue a writ of attachment against the delinquent party, from which, if attached thereon, he shall not be discharged, unless upon a full compliance with the decree and the payment of all costs, or upon a special order of the court, or a Judge thereof, upon motion and affidavit, enlarging the time for the performance thereof. If the delinquent party cannot be found a writ of sequestration shall issue against his estate, upon the return of *non est inventus*, to compel obedience to the decree. If a mandatory order, injunction or decree for the specific performance of any act or contract be not complied with, the court or a Judge, besides, or instead of, proceedings against the disobedient party for a contempt or by sequestration, may by order direct that the act required to be done, be done, so far as practicable, by some other person appointed by the court or Judge, at the cost of the disobedient party, and the act, when so done, shall have like effect as if done by him.

**Rule 9. Writ of Assistance.**—When any decree or order is for the delivery of possession, upon proof made by affidavit of a demand and refusal to obey the decree or order, the party prosecuting the same shall be entitled to a writ of assistance from the Clerk of the court.

**Rule 10. Decree for Deficiency in Foreclosures, etc.**—In suits for the foreclosure of mortgages, or the enforcement of other liens—de-

cree may be rendered for any balance that may be found due to the plaintiff over and above the proceeds of the sale or sales, and execution may issue for the collection of the same, as is provided in Rule 8 when the decree is solely for the payment of money.

**Rule 11. Process in Behalf of and Against Persons not Parties.**—Every person, not being a party in any cause, who has obtained an order, or in whose favor an order shall have been made, may enforce obedience to such order by the same process as if he were a party; and every person, not being a party, against whom obedience to any order of the court may be enforced, shall be liable to the same process for enforcing obedience to such orders as if he were a party.

**Rule 12. Issue of Subpoena—Time for Answer.**—Whenever a bill is filed, and not before, the Clerk shall issue the process of subpoena thereon, as, of course, upon the application of the plaintiff, which shall contain the names of the parties and be returnable into the Clerk's office twenty days from the issuing thereof. At the bottom of the subpoena shall be placed a memorandum, that the defendant is required to file his answer or other defense in the Clerk's office on or before the twentieth day after service, excluding the day thereof; otherwise the bill may be taken *pro confesso*. Where there are more than one defendant, a writ of subpoena may, at the election of the plaintiff, be sued out separately for each defendant, or a joint subpoena against all the defendants.

**Rule 13. Manner of Serving Subpoena.**—The service of all subpoenas shall be by delivering a copy thereof to the defendant personally, or by leaving a copy thereof at the dwelling-house or usual place of abode of each defendant, with some adult person who is a member of or resident in the family.

**Rule 14. Alias Subpoena.**—Whenever any subpoena shall be returned not executed as to any defendant, the plaintiff shall be entitled to other subpoenas against such defendant, until due service is made.

**Rule 15. Process, by Whom Served.**—The service of all process, mesne and final, shall be by the marshal of the district, or his deputy, or by some other person especially appointed by the court or Judge for that purpose, and not otherwise. In the latter case, the person serving the process shall make affidavit thereof.

**Rule 16. Defendant to Answer—Default—Decree Pro Confesso.**—It shall be the duty of the defendant, unless the time shall be enlarged, for cause shown, by a Judge of the court, to file his answer or other defense to the bill in the Clerk's office within the time named in the subpoena as required by Rule 12. In default thereof the plaintiff may, at his election, take an order as of course that the bill be taken *pro confesso*; and thereupon the cause shall be proceeded in *ex parte*.

**Rule 17. Decree Pro Confesso to be Followed by Final Decree—Setting Aside Default.**—When the bill is taken *pro confesso* the court may proceed to a final decree at any time after the expiration of thirty

days after the entry of the order *pro confesso*, and such decree shall be deemed absolute, unless the court shall, at the same term, set aside the same, or enlarge the time for filing the answer, upon cause shown upon motion and affidavit. No such motion shall be granted, unless upon the payment of the costs of the plaintiff up to that time, or such part thereof as the court shall deem reasonable, and unless the defendant shall undertake to file his answer within such time as the court shall direct, and submit to such other terms as the court shall direct, for the purpose of speeding the cause.

**Rule 18. Pleadings—Technical Forms Abrogated.**—Unless otherwise prescribed by statute or these rules the technical forms of pleadings in equity are abolished.

**Rule 19. Amendments Generally.**—The court may, at any time, in furtherance of justice, upon such terms as may be just, permit any process, proceeding, pleading or record to be amended, or material supplemental matter to be set forth in an amended or supplemental pleading. The court, at every stage of the proceeding, must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

**Rule 20. Further and Particular Statement in Pleading may be Required.**—A further and better statement of the nature of the claim or defense, or further and better particulars of any matter stated in any pleading, may in any case be ordered, upon such terms, as to costs and otherwise, as may be just.

**Rule 21. Scandal and Impertinence.**—The right to except to bills, answers, and other proceedings for scandal or impertinence shall not obtain, but the court may, upon motion or its own initiative, order any redundant, impertinent or scandalous matter stricken out, upon such terms as the court shall think fit.

**Rule 22. Action at Law Erroneously Begun as Suit in Equity—Transfer.**—If at any time it appear that a suit commenced in equity should have been brought as an action on the law side of the court, it shall be forthwith transferred to the law side and be there proceeded with, with only such alteration in the pleadings as shall be essential.

**Rule 23. Matters Ordinarily Determinable at Law, When Arising in Suit in Equity to be Disposed of Therein.**—If in a suit in equity a matter ordinarily determinable at law arises, such matter shall be determined in that suit according to the principles applicable, without sending the case or question to the law side of the court.

**Rule 24. Signature of Counsel.**—Every bill or other pleading shall be signed individually by one or more solicitors of record, and such signatures shall be considered as a certificate by each solicitor that he has read the pleading so signed by him; that upon the instructions laid before him regarding the case there is good ground for the same; that no scandalous matter is inserted in the pleading; and that it is not interposed for delay.

**Rule 25. Bill of Complaint—Contents.**—Hereafter it shall be sufficient that a bill in equity shall contain, in addition to the usual caption :

First, the full name, when known, of each plaintiff and defendant, and the citizenship and residence of each party. If any party be under any disability that fact shall be stated.

Second, a short and plain statement of the grounds upon which the court's jurisdiction depends.

Third, a short and simple statement of the ultimate facts upon which the plaintiff asks relief, omitting any mere statement of evidence.

Fourth, if there are persons other than those named as defendants who appear to be proper parties, the bill should state why they are not made parties—as that they are not within the jurisdiction of the court, or cannot be made parties without ousting the jurisdiction.

Fifth, a statement of and prayer for any special relief pending the suit or final hearing, which may be stated and sought in alternative forms. If special relief pending the suit be desired the bill should be verified by the oath of the plaintiff, or someone having knowledge of the facts upon which such relief is asked.

**Rule 26. Joinder of Causes of Action.**—The plaintiff may join in one bill as many causes of action, cognizable in equity, as he may have against the defendant. But when there is more than one plaintiff, the causes of action joined must be joint, and if there be more than one defendant the liability must be one asserted against all of the material defendants, or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice. If it appear that any such causes of action cannot be conveniently disposed of together, the court may order separate trials.

**Rule 27. Stockholder's Bill.**—Every bill brought by one or more stockholders in a corporation against the corporation and other parties, founded on rights which may properly be asserted by the corporation, must be verified by oath, and must contain an allegation that the plaintiff was a shareholder at the time of the transaction of which he complains, or that his share had devolved on him since by operation of law, and that the suit is not a collusive one to confer on a court of the United States jurisdiction of a case of which it would not otherwise have cognizance. It must also set forth with particularity the efforts of the plaintiff to secure such action as he desires on the part of the managing directors or trustees, and, if necessary, of the shareholders, and the causes of his failure to obtain such action, or the reason for not making such effort.

**Rule 28. Amendment of Bill as of Course.**—The plaintiff may, as of course, amend his bill before the defendant has responded thereto, but if such amendment be filed after any copy has issued from the Clerk's office, the plaintiff at his own cost shall furnish to the solicitor of record of each opposing party, a copy of the bill as amended, unless otherwise ordered by the court or judge.



After pleading filed by any defendant, plaintiff may amend only by consent of the defendant or leave of the court or Judge.

**Rule 29. Defenses—How Presented.**—Demurrers and pleas are abolished. Every defense in point of law arising upon the face of the bill, whether for misjoinder, nonjoinder, or insufficiency of fact to constitute a valid cause of action in equity, which might heretofore have been made by demurrer or plea, shall be made by motion to dismiss or in the answer; and every such point of law going to the whole or a material part of the cause or causes of action stated in the bill may be called up and disposed of before final hearing at the discretion of the court. Every defense heretofore presentable by plea in bar or abatement shall be made in the answer and may be separately heard and disposed of before the trial of the principal case in the discretion of the court. If the defendant move to dismiss the bill or any part thereof, the motion may be set down for hearing by either party upon five days' notice, and, if it be denied, answer shall be filed within five days thereafter or a decree *pro confesso* entered.

**Rule 30. Answer—Contents—Counterclaim.**—The defendant in his answer shall in short and simple terms set out his defense to each claim asserted by the bill, omitting any mere statement of evidence and avoiding any general denial of the averments of the bill, but specifically admitting or denying or explaining the facts upon which the plaintiff relies, unless the defendant is without knowledge, in which case he shall so state, such statement operating as a denial. Averments other than those of value or amount of damage, if not denied, shall be deemed confessed, except as against an infant, lunatic or other person *non compos* and not under guardianship. The answer may be amended, by leave of the court or Judge, upon reasonable notice, so as to put any averment in issue, when justice requires it. The answer may state as many defenses, in the alternative, regardless of consistency, as the defendant deems essential to his defense.

The answer must state in short and simple form any counterclaim arising out of the transaction which is the subject matter of the suit, and may, without cross-bill, set out any setoff or counterclaim against the plaintiff which might be the subject of an independent suit in equity against him, and such setoff or counterclaim, so set up, shall have the same effect as a cross-suit, so as to enable the court to pronounce a final judgment in the same suit both on the original and cross-claims.

**Rule 31. Reply—When Required—When Cause at Issue.**—Unless the answer assert a setoff or counterclaim, no reply shall be required without special order of the court or Judge, but the cause shall be deemed at issue upon the filing of the answer, and any new or affirmative matter therein shall be deemed to be denied by the plaintiff. If the answer include a setoff or counterclaim, the party against whom it is asserted shall reply within ten days after the filing of the answer, unless a longer time be allowed by the court or Judge. If the counter-

claim is one which affects the rights of other defendants they or their solicitors shall be served with a copy of the same within ten days from the filing thereof, and ten days shall be accorded to such defendants for filing a reply. In default of a reply, a decree *pro confesso* on the counterclaim may be entered as in default of an answer to the bill.

**Rule 32. Answer to Amended Bill.**—In every case where an amendment to the bill shall be made after answer filed, the defendant shall put in a new or supplemental answer within ten days after that on which the amendment or amended bill is filed, unless the time is enlarged or otherwise ordered by a Judge of the court; and upon his default, the like proceedings may be had as a case of an omission to put in an answer.

**Rule 33. Testing Sufficiency of Defense.**—Exceptions for insufficiency of an answer are abolished. But if an answer set up an affirmative defense, setoff or counterclaim, the plaintiff may, upon five days' notice, or such further time as the court may allow, test the sufficiency of the same by motion to strike out. If found insufficient but amendable the court may allow an amendment upon terms, or strike out the matter.

**Rule 34. Supplemental Pleading.**—Upon application of either party, the court or Judge may, upon reasonable notice and such terms as are just, permit him to file and serve a supplemental pleading, alleging material facts occurring after his former pleading, or of which he was ignorant when it was made, including the judgment or decree of a competent court rendered after the commencement of the suit determining the matters in controversy or a part thereof.

**Rule 35. Bills of Revivor and Supplemental Bills—Form.**—It shall not be necessary in any bill of revivor or supplemental bill to set forth any of the statements in the original suit, unless the special circumstances of the case may require it.

**Rule 36. Officers Before Whom Pleadings Verified.**—Every pleading which is required to be sworn to by statute, or these rules, may be verified before any Justice or Judge of any court of the United States, or of any State or Territory, or of the District of Columbia, or any Clerk of any court of the United States, or of any Territory, or of the District of Columbia, or any notary public.

**Rule 37. Parties Generally—Intervention.**—Every action shall be prosecuted in the name of the real party in interest, but an executor, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party expressly authorized by statute, may sue in his own name without joining with him the party for whose benefit the action is brought. All persons having an interest in the subject of the action and in obtaining the relief demanded may join as plaintiffs, and any person may be made a defendant who has or claims an interest adverse to the plaintiff. Any person may at any time be made a party if his presence is necessary or proper to a complete determina-

tion of the cause. Persons having a united interest must be joined on the same side as plaintiffs or defendants, but when anyone refuses to join, he may for such reason be made a defendant.

Anyone claiming an interest in the litigation may at any time be permitted to assert his right by intervention, but the intervention shall be in subordination to, and in recognition of, the property of the main proceeding.

**Rule 38. Representatives of Class.**—When the question is one of common or general interest to many persons constituting a class so numerous as to make it impracticable to bring them all before the court, one or more may sue or defend for the whole.

**Rule 39. Absence of Persons Who Would be Proper Parties.**—In all cases where it shall appear to the court that persons, who might otherwise be deemed proper parties to the suit, cannot be made parties by reason of their being out of the jurisdiction of the court, or incapable otherwise of being made parties, or because their joinder would oust the jurisdiction of the court as to the parties before the court, the court may, in its discretion, proceed in the cause without making such persons parties; and in such cases the decree shall be without prejudice to the rights of the absent parties.

**Rule 40. Nominal Parties.**—Where no account, payment, conveyance, or other direct relief is sought against a party to a suit, not being an infant, the party, upon service of the subpoena upon him, need not appear and answer the bill, unless the plaintiff specially requires him to do so by the prayer; but he may appear and answer at his option; and if he does not appear and answer he shall be bound by all the proceedings in the cause. If the plaintiff shall require him to appear and answer he shall be entitled to the costs of all the proceedings against him, unless the court shall otherwise direct.

**Rule 41. Suit to Execute Trusts of Will—Heir as Party.**—In suits to execute the trusts of a will, it shall not be necessary to make the heir at law a party; but the plaintiff shall be at liberty to make the heir at law a party where he desires to have the will established against him.

**Rule 42. Joint and Several Demands.**—In all cases in which the plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the court as parties to a suit concerning such demand all the persons liable thereto; but the plaintiff may proceed against one or more of the persons severally liable.

**Rule 43. Defect of Parties—Resisting Objection.**—Where the defendant shall by his answer suggest that the bill of complaint is defective for want of parties, the plaintiff may, within fourteen days after answer filed, set down the cause for argument as a motion upon that objection only; and where the plaintiff shall not so set down his cause, but shall proceed therewith to a hearing, notwithstanding an objection for want of parties taken by the answer, he shall not at the

hearing of the cause, if the defendant's objection shall then be allowed, be entitled as of course to an order to amend his bill by adding parties; but the court shall be at liberty to dismiss the bill, or to allow an amendment on such terms as justice may require.

**Rule 44. Defect of Parties—Tardy Objection.**—If a defendant shall, at the hearing of a cause, object that a suit is defective for want of parties, not having by motion or answer taken the objection and therein specified by name or description the parties to whom the objection applies, the court shall be at liberty to make a decree saving the rights of the absent parties.

**Rule 45. Death of Party—Revivor.**—In the event of the death of either party the court may, in a proper case, upon motion, order the suit to be revived by the substitution of the proper parties. If the successors or representatives of the deceased party fail to make such application within a reasonable time, then any other party may, on motion, apply for such relief, and the court, upon any such motion may make the necessary orders for notice to the parties to be substituted and for the filing of such pleadings or amendments as may be necessary.

**Rule 46. Trial—Testimony Usually Taken in Open Court—Rulings on Objections to Evidence.**—In all trials in equity the testimony of witnesses shall be taken orally in open court, except as otherwise provided by statute or these rules. The court shall pass upon the admissibility of all evidence offered as in actions at law. When evidence is offered and excluded, and the party against whom the ruling is made excepts thereto at the time, the court shall take and report so much thereof, or make such a statement respecting it, as will clearly show the character of the evidence, the form in which it was offered, the objection made, the ruling, and the exception. If the appellate court shall be of opinion that the evidence should have been admitted, it shall not reverse the decree unless it be clearly of opinion that material prejudice will result from an affirmance, in which event it shall direct such further steps as justice may require.

**Rule 47. Depositions—To be Taken in Exceptional Instances.**—The court, upon application of either party, when allowed by statute, or for good and exceptional cause for departing from the general rule, to be shown by affidavit, may permit the deposition of named witnesses, to be used before the court or upon a reference to a master, to be taken before an examiner or other named officer, upon the notice and terms specified in the order. All depositions taken under a statute, or under any such order of the court, shall be taken and filed as follows, unless otherwise ordered by the court or Judge for good cause shown: Those of the plaintiff within sixty days from the time the cause is at issue; those of the defendant within thirty days from the expiration of the time for the filing of plaintiff's depositions; and rebutting depositions by either party within twenty days after the time for taking original depositions expires.

**Rule 48. Testimony of Expert Witnesses in Patent and Trademark Cases.**—In a case involving the validity or scope of a patent or trademark, the District Court may, upon petition, order that the testimony in chief of expert witnesses, whose testimony is directed to matters of opinion, be set forth in affidavits and filed as follows: Those of the plaintiff within forty days after the cause is at issue; those of the defendant within twenty days after plaintiff's time has expired; and rebutting affidavits within fifteen days after the expiration of the time for filing original affidavits. Should the opposite party desire the production of any affiant for cross-examination, the court or Judge shall, on motion, direct that said cross-examination and any re-examination take place before the court upon the trial, and unless the affiant is produced and submits to cross-examination in compliance with such direction, his affidavit shall not be used as evidence in the cause.

**Rule 49. Evidence Taken Before Examiners, etc.**—All evidence offered before an examiner or like officer, together with any objections, shall be saved and returned into the court. Depositions, whether upon oral examination before an examiner or like officer or otherwise, shall be taken upon questions and answers reduced to writing, or in the form of narrative, and the witness shall be subject to cross and re-examination.

**Rule 50. Stenographer—Appointment—Fees.**—When deemed necessary by the court or officer taking testimony, a stenographer may be appointed who shall take down testimony in shorthand and, if required, transcribe the same. His fee shall be fixed by the court and taxed ultimately as costs. The expense of taking a deposition, or the cost of a transcript, shall be advanced by the party calling the witness or ordering the transcript.

**Rule 51. Evidence Taken Before Examiners, etc.**—Objections to the evidence, before an examiner or like officer, shall be in short form, stating the grounds of objection relied upon, but no transcript filed by such officer shall include argument or debate. The testimony of each witness, after being reduced to writing, shall be read over to or by him, and shall be signed by him in the presence of the officer; *provided*, that if the witness shall refuse to sign his deposition so taken, the officer shall sign the same, stating upon the record the reasons, if any, assigned by the witness for such refusal. Objection to any question or questions shall be noted by the officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevancy of the questions. The court shall have power, and it shall be its duty, to deal with the costs of incompetent and immaterial or irrelevant depositions, or parts of them, as may be just.

**Rule 52. Attendance of Witnesses Before Commissioner, Master or Examiner.**—Witnesses who live within the district, and whose testimony may be taken out of court by these rules, may be summoned to appear before a commissioner appointed to take testimony, or before

a master or examiner appointed in any cause, by subpoena in the usual form, which may be issued by the Clerk in blank and filled up by the party praying the same, or by the commissioner, master, or examiner, requiring the attendance of the witnesses at the time and place specified, who shall be allowed for attendance the same compensation as for attendance in court; and if any witness shall refuse to appear or give evidence it shall be deemed a contempt of the court, which being certified to the Clerk's office by the commissioner, master, or examiner, an attachment may issue thereupon by order of the court or of any Judge thereof, in the same manner as if the contempt were for not attending, or for refusing to give testimony in the court.

In case of refusal of witnesses to attend or be sworn or to answer any question put by the commissioner, master or examiner or by counsel or solicitor, the same practice shall be adopted as is now practiced with respect to witnesses to be produced on examination before an examiner of said court on written interrogatories.

**Rule 53. Notice of Taking Testimony Before Examiner, etc.—**Notice shall be given by the respective counsel or parties to the opposite counsel or parties of the time and place of examination before an examiner or like officer for such reasonable time as the court or officer may fix by order in each case.

**Rule 54. Depositions Under Rev. Stats., §§ 863, 865, 866, 867—Cross-examination.**—After a cause is at issue, depositions may be taken as provided by Sections 863, 865, 866 and 867, Revised Statutes. But if in any case no notice has been given the opposite party of the time and place of taking the deposition, he shall, upon application and notice, be entitled to have the witness examined orally before the court, or to a cross-examination before an examiner or like officer, or a new deposition taken with notice, as the court or Judge under all the circumstances shall order.

**Rule 55. Deposition Deemed Published When Filed.**—Upon the filing of any deposition or affidavit taken under these rules or any statute, it shall be deemed published, unless otherwise ordered by the court.

**Rule 56. On Expiration of Time for Depositions, Case Goes on Trial Calendar.**—After the time has elapsed for taking and filing depositions under these rules, the case shall be placed on the trial calendar. Thereafter no further testimony by deposition shall be taken except for some strong reason shown by affidavit. In every such application the reason why the testimony of the witness cannot be had orally on the trial, and why his deposition has not been before taken, shall be set forth, together with the testimony which it is expected the witness will give.

**Rule 57. Continuances.**—After a cause shall be placed on the trial calendar it may be passed over to another day of the same term, by consent of counsel or order of the court, but shall not be continued beyond the term save in exceptional cases by order of the court upon

good cause shown by affidavit and upon such terms as the court shall in its discretion impose. Continuances beyond the term by consent of the parties shall be allowed on condition only that a stipulation be signed by counsel for all the parties and that all costs incurred therefore be paid. Thereupon an order shall be entered dropping the case from the trial calendar, subject to reinstatement within one year upon application to the court by either party, in which event it shall be heard at the earliest convenient day. If not so reinstated within the year, the suit shall be dismissed without prejudice to a new one.

**Rule 58. Discovery—Interrogatories — Inspection and Production of Documents—Admission of Execution or Genuineness.**—The plaintiff at any time after filing the bill and not later than twenty-one days after the joinder of issue, and the defendant at any time after filing his answer and not later than twenty-one days after the joinder of issue, and either party at any time thereafter by leave of the court or Judge, may file interrogatories in writing for the discovery by the opposite party or parties of facts and documents material to the support or defense of the cause, with a note at the foot thereof stating which of the interrogatories each of the parties is required to answer. But no party shall file more than one set of interrogatories to the same party without leave of the court or Judge.

If any party to the cause is a public or private corporation, any opposite party may apply to the court or Judge for an order allowing him to file interrogatories to be answered by any officer of the corporation, and an order may be made accordingly for the examination of such officer as may appear to be proper upon such interrogatories as the court or Judge shall think fit.

Copies shall be filed for the use of the interrogated party and shall be sent by the Clerk to the respective solicitors of record, or to the last known address of the opposite party if there be no record solicitor.

Interrogatories shall be answered, and the answers filed in the Clerk's office, within fifteen days after they have been served, unless the time be enlarged by the court or Judge. Each interrogatory shall be answered separately and fully and the answers shall be in writing, under oath, and signed by the party or corporate officer interrogated. Within ten days after the service of interrogatories, objections to them, or any of them, may be presented to the court or Judge, with proof of notice of the purpose so to do, and answers shall be deferred until the objections are determined, which shall be at as early a time as is practicable. In so far as the objections are sustained, answers shall not be required.

The court or Judge, upon motion and reasonable notice, may make all such orders as may be appropriate to enforce answers to interrogatories or to effect the inspection or production of documents in the possession of either party and containing evidence material to the cause of action or defense of his adversary. Any party failing or refusing to comply with such an order shall be liable to attachment,

and shall also be liable, if a plaintiff, to have his bill dismissed, and, if a defendant, to have his answer stricken out and be placed in the same situation as if he had failed to answer.

By a demand served ten days before the trial, either party may call on the other to admit in writing the execution or genuineness of any document, letter or other writing, saving all just exceptions; and if such admission be not made within five days after such service, the costs of proving the document, letter or writing shall be paid by the party refusing or neglecting to make such admission, unless at the trial the court shall find that the refusal or neglect was reasonable.

**Rule 59. Reference to Master—Exceptional, not Usual.**—Save in matters of account, a reference to a master shall be the exception, not the rule, and shall be made only upon a showing that some exceptional condition requires it. When such a reference is made, the party at whose instance or for whose benefit it is made shall cause the order or reference to be presented to the master for a hearing within twenty days succeeding the time when the reference was made, unless a longer time be specially granted by the court or Judge; if he shall omit to do so, the adverse party shall be at liberty forthwith to cause proceedings to be had before the master, at the costs of the party securing the reference.

**Rule 60. Proceedings Before Master.**—Upon every such reference, it shall be the duty of the master, as soon as he reasonably can after the same is brought before him, to assign a time and place for proceedings in the same, and to give due notice thereof to each of the parties, or their solicitors; and if either party shall fail to appear at the time and place appointed, the master shall be at liberty to proceed *ex parte*, or, in his discretion, to adjourn the examination and proceedings to a future day, giving notice to the absent party or his solicitor of such adjournment; and it shall be the duty of the master to proceed with all reasonable diligence in every such reference, and with the least practicable delay, and either party shall be at liberty to apply to the court, or a Judge thereof, for an order to the master to speed the proceedings and to make his report, and to certify to the court or Judge the reason for any delay.

**Rule 61. Master's Report—Documents Identified but not Set Forth.** In the reports made by the master to the court, no part of any state of facts, account, charge, affidavit, deposition, examination, or answer brought in or used before him shall be stated or recited. But such state of facts, account, charge, affidavit, deposition, examination, or answer shall be identified, and referred to, so as to inform the court what state of facts, account, charge, affidavit, deposition, examination, or answer were so brought in or used.

**Rule 62. Powers of Master.**—The master shall regulate all the proceedings in every hearing before him, upon every reference; and he shall have full authority to examine the parties in the cause, upon



oath, touching all matters contained in the reference; and also to require the production of all books, papers, writings, vouchers, and other documents applicable thereto; and also to examine on oath, *viva voce*, all witnesses produced by the parties before him, or by deposition, according to the acts of Congress, or otherwise, as here provided; and also to direct the mode in which the matters requiring evidence shall be proved before him; and generally to do all other acts and direct all other inquiries and proceedings in the matters before him, which he may deem necessary and proper to the justice and merits thereof and the rights of the parties.

**Rule 63. Form of Accounts Before Master.**—All parties accounting before a master shall bring in their respective accounts in the form of debtor and creditor; and any of the other parties who shall not be satisfied with the account so brought in shall be at liberty to examine the accounting party *viva voce*, or upon interrogatories, as the master shall direct.

**Rule 64. Former Depositions, etc., may be Used Before Master.**—All affidavits, depositions and documents which have been previously made, read, or used in the court upon any proceeding in any cause or matter may be used before the master.

**Rule 65. Claimants Before Master Examiable by Him.**—The master shall be at liberty to examine any creditor or other person coming in to claim before him, either upon written interrogatories or *viva voce*, or in both modes, as the nature of the case may appear to him to require. The evidence upon such examinations shall be taken down by the master, or by some other person by his order and in his presence, if either party requires it, in order that the same may be used by the court if necessary.

**Rule 66. Return of Master's Report—Exceptions—Hearing.**—The master, as soon as his report is ready, shall return the same into the Clerk's office and the day of the return shall be entered by the Clerk in the Equity Docket. The parties shall have twenty days from the time of the filing of the report to file exceptions thereto, and if no exceptions are within that period filed by either party, the report shall stand confirmed. If exceptions are filed, they shall stand for hearing before the court, if then in session, or, if not, at the next sitting held thereafter, by adjournment or otherwise.

**Rule 67. Costs on Exceptions to Master's Report.**—In order to prevent exceptions to reports from being filed for frivolous causes, or for mere delay, the party whose exceptions are overruled shall, for every exception overruled, pay five dollars costs to the other party, and for every exception allowed shall be entitled to the same costs.

**Rule 68. Appointment and Compensation of Masters.**—The District Courts may appoint standing masters in chancery in their respective districts (a majority of all the judges thereof concurring in the appointment), and they may also appoint a master *pro hac vice*

in any particular case. The compensation to be allowed to every master shall be fixed by the district court, in its discretion, having regard to all the circumstances thereof, and the compensation shall be charged upon and borne by such of the parties in the cause as the court shall direct. The master shall not retain his report as security for his compensation; but when the compensation is allowed by the court, he shall be entitled to an attachment for the amount against the party who is ordered to pay the same, if, upon notice thereof, he does not pay it within the time prescribed by the court.

**Rule 69. Petition for Rehearing.**—Every petition for a rehearing shall contain the special matter or cause on which such rehearing is applied for, shall be signed by counsel, and the facts therein stated, if not apparent on the record, shall be verified by the oath of the party or by some other person. No rehearing shall be granted after the term at which the final decree of the court shall have been entered and recorded, if an appeal lies to the Circuit Court of Appeals or the Supreme Court. But if no appeal lies, the petition may be admitted at any time before the end of the next term of the court, in the discretion of the court.

**Rule 70. Suits by or Against Incompetents.**—Guardians *ad litem* to defend a suit may be appointed by the court, or by any Judge thereof, for infants or other persons who are under guardianship, or otherwise incapable of suing for themselves. All infants and other persons so incapable may sue by their guardians, if any, or by their *prochein ami*; subject, however, to such orders as the court or Judge may direct for the protection of infants and other persons.

**Rule 71. Form of Decree.**—In drawing up decrees and orders, neither the bill, nor answer, nor other pleadings, nor any part thereof, nor the report of any master, nor any other prior proceeding, shall be recited or stated in the decree or order; but the decree and order shall begin, in substance, as follows: "This cause came on to be heard (or to be further heard, as the case may be) at this term, and was argued by counsel; and thereupon, upon consideration thereof, it was ordered, adjudged and decreed as follows, viz.:" (Here insert the decree or order.)

**Rule 72. Correction of Clerical Mistakes in Orders and Decrees.**—Clerical mistakes in decrees or decretal orders, or errors arising from any accidental slip or omission, may, at any time before the close of the term at which final decree is rendered, be corrected by order of the court or a Judge thereof, upon petition, without the form or expense of a rehearing.

**Rule 73. Preliminary Injunctions and Temporary Restraining Orders.**—No preliminary injunction shall be granted without notice to the opposite party. Nor shall any temporary restraining order be granted without notice to the opposite party, unless it shall clearly appear from specific facts, shown by affidavit or by the verified bill, that immediate and irreparable loss or damage will result to the ap-

plicant before the matter can be heard on notice. In case a temporary restraining order shall be granted without notice, in the contingency specified, the matter shall be made returnable at the earliest possible time, and in no event later than ten days from the date of the order, and shall take precedence of all matters, except older matters of the same character. When the matter comes up for hearing the party who obtained the temporary restraining order shall proceed with his application for a preliminary injunction, and if he does not do so the court shall dissolve his temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order, the opposite party may appear and move the dissolution or modification of the order, and in that event the court or Judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require. Every temporary restraining order shall be forthwith filed in the clerk's office.

**Rule 74. Injunction Pending Appeal.**—When an appeal from a final decree, in an equity suit, granted or dissolving an injunction, is allowed by a justice or a Judge who took part in the decision of the cause, he may, in his discretion, at the time of such allowance, make an order suspending, modifying or restoring the injunction during the pendency of the appeal, upon such terms, as to bond or otherwise, as he may consider proper for the security of the rights of the opposite party.

**Rule 75. Record on Appeal—Reduction and Preparation.**—In case of appeal:

(a) It shall be the duty of the appellant or his solicitor to file with the Clerk of the court from which the appeal is prosecuted, together with proof or acknowledgment of service of a copy on the appellee or his solicitor, a *praecipe* which shall indicate the portions of the record to be incorporated into the transcript on such appeal. Should the appellee or his solicitor desire additional portions of the record incorporated into the transcript, he shall file with the Clerk of the court his *praecipe* also within ten days thereafter, unless the time shall be enlarged by the court or a Judge thereof, indicating such additional portions of the record desired by him.

(b) The evidence to be included in the record shall not be set forth in full, but shall be stated in simple and condensed form, all parts not essential to the decision of the questions presented by the appeal being omitted and the testimony of witnesses being stated only in narrative form, save that if either party desires it, and the court or Judge so directs, any part of the testimony shall be reproduced in the exact words of the witness. The duty of so condensing and stating the evidence shall rest primarily on the appellant, who shall prepare his statement thereof and lodge the same in the Clerk's office for the examination of the other parties at or before the time of filing his *praecipe* under paragraph a of this rule. He shall also notify the other parties or their solicitors of such lodgment and shall name a time

and place when he will ask the court or Judge to approve the statement, the time so named to be at least ten days after such notice. At the expiration of the time named or such further time as the court or Judge may allow, the statement, together with any objections made or amendments proposed by any party, shall be presented to the court or the Judge, and if the statement be true, complete and properly prepared, it shall be approved by the court or Judge, and if it be not true, complete or properly prepared, it shall be made so under the direction of the court or Judge and shall then be approved. When approved, it shall be filed in the Clerk's office and become a part of the record for the purposes of the appeal.

(c) If any difference arise between the parties concerning directions as to the general contents of the record to be prepared on the appeal, such difference shall be submitted to the court or Judge in conformity with the provisions of paragraph *b* of this rule and shall be covered by the directions which the court or Judge may give on the subject.

**Rule 76. Record on Appeal—Reduction and Preparation—Costs—Correction of Omissions.**—In preparing the transcript on an appeal, especial care shall be taken to avoid the inclusion of more than one copy of the same paper and to exclude the formal and immaterial parts of all exhibits, documents and other papers included therein; and for any infraction of this or any kindred rule the appellate court may withhold or impose costs as the circumstances of the case and the discouragement of like infractions in the future may require. Costs for such an infraction may be imposed upon offending solicitors as well as parties.

If, in the transcript, anything material to either party be omitted by accident or error, the appellate court, on a proper suggestion or its own motion, may direct that the omission be corrected by a supplemental transcript.

**Rule 77. Record on Appeal—Agreed Statement.**—When the questions presented by an appeal can be determined by the appellate court without an examination of all the pleadings and evidence, the parties, with the approval of the District Court or the Judge thereof, may prepare and sign a statement of the case showing how the questions arose and were decided in the District Court and setting forth so much only of the facts alleged and proved, or sought to be proved, as is essential to a decision of such questions by the appellate court. Such statement, when filed in the office of the Clerk of the District Court, shall be treated as superseding, for the purposes of the appeal, all parts of the record other than the decree from which the appeal is taken, and, together with such decree, shall be copied and certified to the appellate court as the record on appeal.

**Rule 78. Affirmation in Lieu of Oath.**—Whenever under these rules an oath is or may be required to be taken, the party may, if conscientiously scrupulous of taking an oath, in lieu thereof make solemn affirmation to the truth of the facts stated by him.

**Rule 79. Additional Rules by District Court.**—With the concurrence of a majority of the Circuit Judges for the circuit, the District Courts may make any other and further rules and regulations for the practice, proceedings and process, mesne and final, in their respective districts, not inconsistent with the rules hereby prescribed, and from time to time alter and amend the same.

**Rule 80. Computation of Time—Sundays and Holidays.**—When the time prescribed by these rules for doing any act expires on a Sunday or legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

**Rule 81. These Rules Effective February 1, 1913—Old Rules Abrogated.**—These rules shall be in force on and after February 1, 1913, and shall govern all proceedings in cases then pending or thereafter brought, save that where in any then pending cause an order has been made or act done which cannot be changed without doing substantial injustice, the court may give effect to such order or act to the extent necessary to avoid any such injustice.

All rules theretofore prescribed by the Supreme Court, regulating the practice in suits in equity, shall be abrogated when these rules take effect.

## **RULES OF ADMIRALTY PRACTICE ON THE INSTANCE SIDE OF THE COURT, IN PURSUANCE OF THE ACT OF THE 23d OF AUGUST, 1842, CHAPTER 188.**

**Rule 1. Issue and Service of Mesne Process.**—No mesne process shall issue from the district courts in any civil cause of admiralty and maritime jurisdiction until the libel, or libel of information, shall be filed in the clerk's office from which such process is to issue. All process shall be served by the marshal or by his deputy, or, where he or they are interested, by some discreet and disinterested person appointed by the court.

**Rule 2. Issue and Service of Mesne Process.**—In suits *in personam*, the mesne process may be by a simple warrant of arrest of the person of the defendant, in the nature of a *capias*, or by a warrant of arrest of the person of the defendant, with a clause therein, that if he cannot be found, to attach his goods and chattels to the amount sued for; or if such property cannot be found, to attach his credits and effects to the amount sued for in the hands of the garnishees named therein; or by a simple monition, in the nature of a summons to appear and answer to the suit, as the libelant shall, in his libel or information, pray for or elect.

**Rule 3. Bail Bond or Stipulation.**—In all suits *in personam*, where a simple warrant of arrest issues and is executed, the marshal may take

bail, with sufficient sureties, from the party arrested, by bond or stipulation, upon condition that he will appear in the suit and abide by all orders of the court, interlocutory or final, in the cause, and pay the money awarded by the final decree rendered therein in the court to which the process is returnable, or in any appellate court. And upon such bond or stipulation summary process of execution may and shall be issued against the principal and sureties by the court to which such process is returnable, to enforce the final decree so rendered, or upon appeal by the Appellate Court.

**Rule 4. Dissolution of Attachment.**—In all suits *in personam*, where goods and chattels, or credits and effects, are attached under such warrant authorizing the same, the attachment may be dissolved by order of the court to which the same warrant is returnable, upon the defendant whose property is so attached, giving a bond or stipulation, with sufficient sureties, to abide by all orders, interlocutory or final, of the court, and pay the amount awarded by the final decree rendered in the court to which the process is returnable, or in any appellate court; and upon such bond or stipulation, summary process of execution shall and may be issued against the principal and sureties by the court to which such warrant is returnable, to enforce the final decree so rendered, or upon appeal by the appellate court.

**Rule 5. Bail Bond and Stipulation, How Given and Taken.**—Bonds or stipulations in admiralty suits may be given and taken in open court, or in chambers, or before any commissioner of the court who is authorized by the court to take affidavits of bail and depositions in cases pending before the court, or any commissioner of the United States authorized by law to take bail and affidavits in civil cases.

**Rule 6. Reduction of Bond and New Sureties.**—In all suits *in personam*, where bail is taken, the court may, upon motion, for due cause shown, reduce the amount of the sum contained in the bond or stipulation therefor; and in all cases where a bond or stipulation is taken as bail, or upon dissolving an attachment of property as aforesaid, if either of the sureties shall become insolvent pending the suit, new sureties may be required by the order of the court, to be given upon motion, and due proof thereof.

**Rule 7. No Warrant or Arrest for More Than \$500.**—In suits *in personam*, no warrant of arrest, either of the person or property of the defendant, shall issue for a sum exceeding five hundred dollars, unless by the special order of the court, upon affidavit or other proper proof showing the propriety thereof.

**Rule 8. Where Property in Custody of Third Person.**—In all suits *in rem* against a ship, her tackle, sails, apparel, furniture, boats, or other appurtenances, if such tackle, sails, apparel, furniture, boats, or other appurtenances are in the possession or custody of any third person, the court may, after a due monition to such third person, and a hearing of the cause, if any, why the same should not be delivered over, awarding decree that the same be delivered into the custody of the marshal or other

proper officer, if, upon the hearing, the same is required by law and justice.

**Rule 9. Seizure, Custody and Disposition of Property.**—In all cases of seizure, and in other suits and proceedings *in rem*, the process, unless otherwise provided for by statute, shall be by a warrant of arrest of the ship, goods, or other thing to be arrested; and the marshal shall thereupon arrest and take the ship, goods, or other thing into his possession for safe custody, and shall cause public notice thereof and of the time assigned for the return of such process and the hearing of the cause, to be given in such newspaper within the district as the district court shall order; and if there is no newspaper published therein, then in such other public places in the district as the court shall direct.

**Rule 10. Disposition of Perishable Property.**—In all cases where any goods or other things are arrested, if the same are perishable, or are liable to deterioration, decay, or injury, by being detained in custody pending the suit, the court may, upon the application of either party, in its discretion, order the same or so much thereof to be sold as shall be perishable or liable to depreciation, decay, or injury; and the proceeds or so much thereof as shall be a full security to satisfy in decree, to be brought into court to abide the event of the suit; or the court may, upon the application of the claimant, order a delivery thereof to him, upon a due appraisement, to be had under its direction, either upon the claimant's depositing in court so much money as the court shall order, or upon his giving a stipulation, with sureties, in such sum as the court shall direct, to abide by and pay the money awarded by the final decree rendered by the court, or the appellate court, if any appeal intervenes, as the one or the other course shall be ordered by the court.

**Rule 11. Disposition of Arrested Ship.**—In like manner, where any ship shall be arrested, the same may, upon the application of the claimant, be delivered to him upon a due appraisement, to be had under the direction of the court, upon the claimant's depositing in court so much money as the court shall order, or upon his giving a stipulation, with sureties, as aforesaid; and if the claimant shall decline any such application, then the court may, in its discretion, upon the application of either party, upon due course shown, order a sale of such ship, and the proceeds thereof to be brought into court or otherwise disposed of, as it may deem most for the benefit of all concerned.

**Rule 12. Proceedings in Rem or in Personam—Suits by Materialmen.**—In all suits by materialmen for supplies or repairs, or other necessities, the libellant may proceed against the ship and freight *in rem*, or against the master or owner *in personam*.

**Rule 13. Same—Suits for Pilotage.**—In all suits for pilotage the libellant may proceed against the ship, freight and master, or against the ship and freight, or against the owner or the master alone *in personam*.

**Rule 14. Same—Suits for Pilotage.**—In all suits for pilotage the libellant may proceed against the ship and master, or against the ship, or against the owner alone or the master alone *in personam*.

**Rule 15. Same—Suits for Collision.**—In all suits for damage by collision, the libellant may proceed against the ship and master, or against the ship alone, or against the master or the owner alone *in personam*.

**Rule 16. Same—Suits for Assault.**—In all suits for an assault or beating on the high seas, or elsewhere within the admiralty and maritime jurisdiction, the suit shall be *in personam* only.

**Rule 17. Same—Suits Founded on Hypothecation.**—In all suits against the ship or freight, founded upon a mere maritime hypothecation, either express or implied, of the master, for moneys taken up in a foreign port for supplies or repairs or other necessities for the voyage, without any claim of marine interest, the libellant may proceed either *in rem* or against the master or the owner alone *in personam*.

**Rule 18. Same—Suits on Bottomry Bonds.**—In all suits on bottomry bonds, properly so called, the suit shall be *in rem* only against the property hypothecated, or the proceeds of the property, in whosever hands the same may be found, unless the master has, without authority, given the bottomry bond, or by his fraud or misconduct has avoided the same, or has subtracted the property, or unless the owner has, by his own misconduct or wrong, lost or subtracted the property, in which latter cases the suit may be *in personam* against the wrongdoer.

**Rule 19. Same—Suits for Salvage.**—In all suits for salvage, the suits may be *in rem* against the property saved, or the proceeds thereof, or *in personam* against the party at whose request and for whose benefit the salvage service has been performed.

**Rule 20. Process in Petitory and Possessory Suits.**—In all petitory and possessory suits between part owner or adverse proprietors, or by the owners of a ship or the majority thereof, against the master of a ship, for the ascertainment of the title and delivery of the possession, or for the possession only, or by one or more part owners against the others to obtain security for the return of the ship from any voyage undertaken without their consent, or by one or more part owners against the others to obtain possession of the ship for any voyage, upon giving security for the safe return thereof, the process shall be by an arrest of the ship, and by a monition to the adverse party or parties to appear and make answer to the suit.

**Rule 21. Execution.**—In all cases of a final decree for the payment of money, the libellant shall have a writ of execution, in the nature of a *fieri facias*, commanding the marshal or his deputy to levy and collect the amount thereof out of the goods and chattels, lands and tenements, or other real estate, of the defendant or stipulators.

**Rule 22. Information and Libels.**—All informations and libels of information upon seizures for any breach of the revenue, or navigation, or other laws of the United States, shall state the place of seizure, whether it be on land or on the high seas, or on navigable waters within the admiralty and maritime jurisdiction of the United States, and the district within which the property is brought and where it then is. The information or libel of information shall also propound in distinct articles



the matters relied on as grounds or causes of forfeiture, and aver the same to be contrary to the form of the statute or statutes of the United States in such case provided, as the case may require, and shall conclude with a prayer of due process to enforce the forfeiture, and to give notice to all persons concerned in interest to appear and show cause at the return day of the process why the forfeiture should not be decreed.

**Rule 23. Same—Libels in Instance Causes.**—All libels in instance causes, civil or maritime, shall state the nature of the cause; as, for example, that it is a cause, civil and maritime, of contract, or of tort or damage, or of salvage, or of possession, or otherwise, as the case may be; and, if the libel be *in rem*, that the property is within the district; and if *in personam*, the names and occupations and places of residence of the parties. The libel shall also propound and articulate in distinct articles the various allegations of fact upon which the libellant relies in support of his suit, so that the defendant may be enabled to answer distinctly and separately the several matters contained in each article; and it shall conclude with a prayer of due process to enforce his rights, *in rem* or *in personam* (as the case may require), and for such relief and redress as the court is competent to give in the premises. And the libellant may further require the defendant to answer on oath all interrogatories propounded by him touching all and singular the allegations in the libel at the close or conclusion thereof.

**Rule 24. Same—Amendments.**—In all informations and libels in cases of admiralty and maritime jurisdiction, amendments in matters of form may be made at any time, on motion to the court, as of course. And new counts may be filed, and amendments in matters of substance may be made, upon motion, at any time before the final decree, upon such terms as the court shall impose. And where any defect of form is set down by the defendant upon special exceptions, and is allowed, the court may, in granting leave to amend, impose terms upon the libellant.

**Rule 25. Stipulations.**—In all cases of libels *in personam*, the court may, in its discretion, upon the appearance of the defendant, where no bail has been taken, and no attachment of property has been made to answer the exigency of the suit, require the defendant to give a stipulation, with sureties, in such sum as the court shall direct, to pay all costs and expenses which shall be awarded against him in the suit upon the final adjudication thereof, or by any interlocutory order in the progress of the suit.

**Rule 26. Claim—Verification and Stipulation.**—In suits *in rem*, the party claiming the property shall verify his claim on oath or solemn affirmation stating that the claimant by whom or on whose behalf the claim is made is the true and *bona fide* owner, and that no other person is the owner thereof. And, where the claim is put in by an agent or consignee, he shall also make oath that he is duly authorized thereto by the owner; or, if the property be, at the time of the arrest, in the possession of the master of a ship, that he is the lawful bailee thereof for the owner. And, upon putting in such claim, the claimant shall file a stipulation, with sureties, in such sum as the court shall direct, for the

payment of all costs and expenses which shall be awarded against him by the final decree of the court, or, upon an appeal, by the appellate court.

**Rule 27. Answer to Libel.**—In all libels in causes of civil and maritime jurisdiction, whether *in rem* or *in personam*, the answer of the defendant to the allegations in the libel shall be on oath or solemn affirmation; and the answer shall be full and explicit and distinct to each separate article and separate allegation in the libel, in the same order as numbered in the libel, and shall also answer in like manner each interrogatory propounded at the close of the libel. [See rules 48 and 49.]

**Rule 28. Exceptions to Answer.**—The libellant may except to the sufficiency, or fullness, or distinctness or relevancy of the answer to the articles and interrogatories in the libel; and, if the court shall adjudge the same exceptions, or any of them, to be good and valid, the court shall order the defendant forthwith, within such time as the court shall direct, to answer the same, and may further order the defendant to pay such costs as the court shall adjudge reasonable.

**Rule 29. Decree Pro Confesso.**—If the defendant shall omit or refuse to make due answer to the libel upon the return day of the process, or other day assigned by the court, the court shall pronounce him to be in contumacy and default; and thereupon the libel shall be adjudged to be taken *pro confesso* against him, and as to law and justice shall appertain. But the court may, in its discretion, set aside the default, and, upon the application of the defendant, admit him to make answer to the libel, at any time before the final hearing and decree, upon his payment of all the costs of the suit up to the time of granting leave therefor.

**Rule 30. Failure to Answer Certain Matters.**—In all cases where the defendant answers, but does not answer fully and explicitly and distinctly to all the matters in any article of the libel, and exception is taken thereto by the libellant, and the exception is allowed, the court may, by attachment, compel the defendant to make further answer thereto, or may direct the matter of the exception to be taken *pro confesso* against the defendants, to the full purport and effect of the article to which it purports to answer, and as if no answer had been put in thereto.

**Rule 31. Same—Objection by Answer.**—The defendant may object, by his answer, to answer any allegation or interrogatory contained in the libel which will expose him to any prosecution or punishment for crime, or for any penalty or any forfeiture of his property for any penal offense.

**Rule 32. Defendant's Interrogatories.**—The defendant shall have a right to require the personal answer of the libellant upon oath or solemn affirmation to any interrogatories which he may, at the close of his answer, propound to the libellant touching any matters charged in the libel, or touching any matter of defense set up in the answer, subject to the like exception as to matters which shall expose the libellant to any prosecution, or punishment, or forfeiture, as is provided in the thirty-

first rule. In default of due answer by the libelant to such interrogatories the court may adjudge the libelant to be in default and dismiss the libel, or may compel his answer in the premises, by attachment, or take the subject matter of the interrogatory *pro confesso* in favor of the defendant, as the court, in its discretion, shall deem most fit to promote public justice.

**Rule 33. In Case of Absence or Sickness.**—Where either the libelant or the defendant is out of the country, or unable, from sickness or other casualty, to make an answer to any interrogatory on oath or solemn affirmation at the proper time, the court may, in its discretion, in furtherance of a due administration of justice, dispense therewith, or may award a commission to take the answer of the defendant when and as soon as it may be practicable.

**Rule 34. Interveners.**—If any third person shall intervene in any cause of admiralty and maritime jurisdiction *in rem* for his own interest, and he is entitled, according to the cause of admiralty proceedings, to be heard for his own interest therein, he shall propound the matter in suitable allegations, to which, if admitted by the court, the other party or parties in the suit may be required, by order of the court, to make due answer; and such further proceedings shall be had and decree rendered by the court therein as to law and justice shall appertain. But every such intervener shall be required upon filing his allegations, to give a stipulation, with sureties, to abide by the final decree rendered in the cause, and to pay all such costs and expenses and damages as shall be awarded by the court upon the final decree, whether it is rendered in the original or appellate court.

**Rule 35. Stipulations, How Given and Taken.**—The stipulations required by the last preceding rule, or on appeal, or in any other admiralty or maritime proceeding, shall be given and taken in the manner prescribed by rule fifth as amended.

**Rule 36. Exceptions.**—Exceptions may be taken to any libel, allegation, or answer for surplusage, irrelevancy, impertinence, or scandal; and if, upon reference to a master, the exception shall be reported to be so objectionable, and allowed by the court, the matter shall be expunged, at the cost and expense of the party in whose libel or answer the same is found.

**Rule 37. Answer by Garnishees.**—In cases of foreign attachment, the garnishee shall be required to answer on oath or solemn affirmation as to the debts, credits, or effects of the defendant in his hands, and to such interrogatories touching the same as may be propounded by the libelant; and if he shall refuse or neglect so to do, the court may award compulsory process *in personam* against him. If he admits any debts, credits, or effects, the same shall be held in his hands, liable to answer the exigency of the suit.

**Rule 38. Deposit in Court.**—In cases of mariners' wages, or bottomry, or salvage, or other proceeding *in rem*, where freight or other proceeds of property are attached to or are bound by the suit, which are

in the hands or possession of any person, the court may, upon due application, by petition of the party interested, require the party charged with the possession thereof to appear and show cause why the same should not be brought into court to answer the exigency of the suit; and if no sufficient cause be shown, the court may order the same to be brought into court to answer the exigency of the suit, and upon failure of the party to comply with the order, may award an attachment, or other compulsive process, to compel obedience thereto.

**Rule 39. Dismissal.**—If, in any admiralty suit, the libellant shall not appear and prosecute his suit, according to the course and orders of the court, he shall be deemed in default and contumacy; and the court may, upon the application of the defendant, pronounce the suit to be deserted, and the same may be dismissed with costs.

**Rule 40. Rehearing.**—The court may, in its discretion, upon the motion of the defendant and the payment of costs, rescind the decree in any suit in which, on account of his contumacy and default, the matter of the libel shall have been decreed against him, and grant a rehearing thereof at any time within ten days after the decree has been entered, the defendant submitting to such further orders and terms in the premises as the court may direct.

**Rule 41. Sales.**—All sales of property under any decree of admiralty shall be made by the marshal or his deputy, or other proper officer assigned by the court, where the marshal is a party in interest, in pursuance of the orders of the court; and the proceeds thereof, when sold, shall be forthwith paid into the registry of the court by the officer making the sale, to be disposed of by the court according to law.

**Rule 42. Moneys Paid into Court.**—All moneys paid into the registry of the court shall be deposited in some bank designated by the court, and shall be so deposited in the name of the court, and shall not be drawn out, except by a check or checks signed by a judge of the court and countersigned by the clerk, stating on whose account and for whose use it is drawn, and in what suit and out of what fund in particular it is paid. The clerk shall keep a regular book, containing a memorandum and copy of all the checks so drawn and the date thereof.

**Rule 43. Same—Intervention for Delivery.**—Any person having an interest in any proceeds in the registry of the court shall have a right, by petition and summary proceeding, to intervene *pro interesse suo* for delivery thereof to him; and upon due notice to the adverse parties, if any, the court shall and may proceed summarily to hear and decide thereon, and to decree therein according to law and justice. And if such petition or claim shall be deserted, or, upon a hearing, be dismissed, the court may, in its discretion, award costs against the petitioner in favor of the adverse party.

**Rule 44. Reference to Commissioners.**—In cases where the court shall deem it expedient or necessary for the purposes of justice, the court may refer any matters arising in the progress of the suit to one or more commissioners, to be appointed by the court, to hear the parties and make

report therein. And such commissioner or commissioners shall have and possess all the powers in the premises which are usually given to or exercised by masters in chancery in reference to them, including the power to administer oaths to and to examine the parties and witnesses touching the premises.

**Rule 45. Appeals to Circuit Court.**—All appeals from the District to the Circuit Court [of Appeals] must be made while the court is sitting, or within such other period as shall be designated by the District Court by its general rules, or by an order specially made in the particular suit; or in case no such rule or order be made, then within thirty days from the rendering of the decree.

**Rule 46. Additional Rules.**—In all cases not provided for by the foregoing rules, the District and Circuit Courts [of Appeals] are to regulate the practice of the said courts respectively, in such manner as they shall deem most expedient for the due administration of justice in suits in admiralty.

**Rule 47. Bail and Imprisonment for Debt.**—In all suits *in personam*, where a simple warrant of arrest issues and is executed, bail shall be taken by the marshal and the court in those cases only in which it is required by the laws of the State where an arrest is made upon similar or analogous process issuing from the State court.

And imprisonment for debt, on process issuing out of the admiralty, is abolished, in all cases where, by the laws of the State in which the court is held, imprisonment for debt has been, or shall be hereafter abolished, upon similar or analogous process issuing from a State court.

**Rule 48. Restriction on Rule 27.**—The twenty-seventh rule shall not apply to cases where the sum or value in dispute does not exceed fifty dollars, exclusive of costs, unless the District Court shall be of opinion that the proceedings prescribed by that rule are necessary for the purposes of justice in the case before the court.

All rules and parts of rules heretofore adopted, inconsistent with this order, are hereby repealed and annulled.

**Rule 49. Execution on Appeal.**—Further proof, taken in a Circuit Court upon an admiralty appeal, shall be by deposition, taken before some commissioner appointed by a Circuit Court, pursuant to the acts of Congress in that behalf, or before some officer authorized to take depositions by the thirtieth section of the act of Congress of the 24th of September, 1789, upon an oral examination and cross-examination, unless the court in which such appeal shall be pending, or one of the judges thereof, shall, upon motion, allow a commission to issue to take such depositions upon written interrogatories and cross-interrogatories. When such deposition shall be taken by oral examination, a notification from the magistrate before whom it is to be taken, or from the clerk of the court in which such appeal shall be pending, to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, shall be served on the adverse party or his attorney, allowing time for their attendance after being notified not less than twenty-

four hours, and, in addition thereto, one day, Sundays exclusive, for every twenty miles' travel; provided that the court in which such appeal may be pending, or either of the judges thereof, may, upon motion, increase or diminish the length of notice above required.

**Rule 50. Same—Oral Evidence.**—When oral evidence shall be taken down by the clerk of the District Court, pursuant to the above-mentioned section of the act of Congress, and shall be transmitted to the Circuit Court, the same may be used in evidence on the appeal, saving to each party the right to take the depositions of the same witnesses, or either of them, if he should so elect.

**Rule 51. Replication.**—When the defendant, in his answer, alleges new facts, these shall be considered as denied by the libellant, and no replication, general or special, shall be filed, unless allowed or directed by the court on proper cause shown. But within such time after the answer is filed as shall be fixed by the District Court, either by general rule or by special order, the libellant may amend his libel so as to confess and avoid, or explain or add to, the new matters set forth in the answer; and within such time as may be fixed, in like manner, the defendant shall answer such amendments.

**Rule 52. Record on Appeal.**—The clerks of the District Courts shall make up the records to be transmitted to the Circuit Courts on appeals, so that the same shall contain the following:

1. The style of the court.
2. The names of the parties, setting forth the original parties, and those who have become parties before the appeal, if any change has taken place.
3. If bail was taken, or property was attached or arrested, the process of the arrest or attachment and the service thereof; all bail and stipulations; and, if any sale has been made, the orders, warrants, and reports relating thereto.
4. The libel, with exhibits annexed thereto.
5. The pleadings of the defendant, with the exhibits annexed thereto.
6. The testimony on the part of the libellant, and any exhibits not annexed to the libel.
7. The testimony on the part of the defendant, and any exhibits not annexed to his pleadings.
8. Any order of the court to which exception was made.
9. Any report of an assessor or assessors, if excepted to, with the orders of the court respecting the same, and the exceptions to the report. If the report was not excepted to, only the fact that a reference was made, and so much of the report as shows what results were arrived at by the assessor, are to be stated.
10. The final decree.
11. The prayer for an appeal, and the action of the District Court thereon; and no reasons of appeal shall be filed or inserted in the transcript.

The following shall be omitted:

1. The continuances.

2. All motions, rules, and orders not excepted to which are merely preparatory for trial.

3. The commissions to take depositions, notices therefor, their captions, and certificates of their being sworn to, unless some exception to a deposition in the District Court was founded on some one or more of these; in which case, so much of either of them as may be involved in the exception shall be set out. In all other cases it shall be sufficient to give the name of the witness and to copy the interrogatories and answers, and to state the name of the commissioner, and the place where and the date when the deposition was sworn to; and, in copying all depositions taken on interrogatories, the answer shall be inserted immediately following the question.

2. The clerk of the District Court shall page the copy of the record thus made up, and shall make an index thereto, and he shall certify the entire document, at the end thereof, under the seal of the court, to be a transcript of the record of the District Court in the cause named at the beginning of the copy made up pursuant to this rule; and no other certificate of the record shall be needful or inserted.

3. Hereafter, in making up the record to be transmitted to the circuit clerk on appeal, the clerk of the District Court shall omit therefrom any of the pleading, testimony, or exhibits which the parties by their proctors shall by written stipulation agree may be omitted; and such stipulation shall be certified up with the record.

**Rule 53. Cross-libel.**—Whenever a cross-libel is filed upon any counterclaim, arising out of the same cause of action for which the original libel was filed, the respondents in the cross-libel shall give security in the usual amount and form, to respond in damages, as claimed in said cross-libel, unless the court, on cause shown, shall otherwise direct; and all proceedings upon the original libel shall be stayed until such security shall be given.

**Rule 54. Limitation of Liability.**—When any ship or vessel shall be libeled, or the owner or owners thereof shall be sued, for any embezzlement, loss, or destruction by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandise shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage or forfeiture done, occasioned, or incurred, without the privity or knowledge of such owner or owners, and he or they shall desire to claim the benefit of limitation of liability provided for in the third and fourth sections of the act of March 3, 1851, entitled "An act to limit the liability of ship owners and for other purposes," now embodied in sections 4283 to 4285 of the Revised Statutes, the said owner or owners shall and may file a libel or petition in the proper District Court of the United States, as hereinafter specified, setting forth the facts and circumstances on which such limitation of liability is claimed, and praying proper relief in that behalf; and thereupon said court, having caused due appraisal to be had of the amount or value of the interest of said owner or owners, respectively, in such ship or vessel, and her freight.

for the voyage, shall make an order for the payment of the same into court, or for the giving of a stipulation, with sureties, for payment thereof into court whenever the same shall be ordered; or, if the said owner or owners shall so elect, the said court shall, without such appraisement, make an order for the transfer by him or them of his or their interest in such vessel and freight, to a trustee to be appointed by the court under the fourth section of said act; and, upon compliance with such order, the said court shall issue a monition against all persons claiming damages for any such embezzlement, loss, destruction, damage, or injury, citing them to appear before the said court and make due proof of their respective claims at or before a certain time to be named in said writ; not less than three months from the issuing of the same; and public notice of such monition shall be given as in other cases, and such further notice served through the postoffice, or otherwise, as the court, in its discretion may direct; and the said court shall also, on the application of the said owner or owners make an order to restrain the further prosecution of all and any suit or suits against said owner or owners in respect of any such claim or claims.

**Rule 55. Same—Proof of Claims.**—Proof of all claims which shall be presented in pursuance of said monition shall be made before a commissioner, to be designated by the court, subject to the right of any person interested to question or controvert the same; and upon the completion of said proofs, the commissioner shall make report of the claims so proven, and upon confirmation of said report, after hearing any exceptions thereto, the moneys paid or secured to be paid into court as aforesaid, or the proceeds of said ship or vessel and freight (after payment of costs and expense), shall be divided *pro rata* amongst the several claimants in proportion to the amount of their respective claims, duly proved and confirmed as aforesaid; saving, however, to all parties any priority to which they may be legally entitled.

**Rule 56. Same—Contest of Claim.**—In the proceedings aforesaid, the said owner or owners shall be at liberty to contest his or their liability, or the liability of said ship or vessel for said embezzlement, loss, destruction, damage, or injury (independently of the limitation of liability claimed under said act), provided that, in his or their libel or petition, he or they shall state the facts and circumstances by reason of which exemption from liability is claimed; and any person or persons claiming damages as aforesaid, and who shall have presented his or their claim to the commissioner under oath, shall and may answer such libel or petition, and contest the right of the owner or owners of said ship or vessel, either to an exemption from liability, or to a limitation of liability under the said act of Congress, or both.

**Rule 57. Same—Place of Jurisdiction.**—The said libel or petition shall be filed and the said proceedings had in any District Court of the United States in which said ship or vessel may be libeled to answer for any such embezzlement, loss, destruction, damage or injury; or if the said ship or vessel be not libeled, then in the District Court for any district in which the said owner or owners may be sued in that behalf.



When the said ship or vessel has not been libeled to answer the matters aforesaid, and suit has not been commenced against the said owner or owners, or has been commenced in a District Court other than that in which the ship or vessel may be, the said proceedings may be had in the District Court of the district in which the said ship or vessel may be, and where it may be subject to the control of such court for the purposes of the case as hereinbefore provided. If the ship have already been libeled and sold, the proceeds shall represent the same for the purposes of these rules.

**Rule 58. Same—Rules Applicable on Appeal.**—All the preceding rules and regulations for proceeding in cases where the owner or owners of a ship or vessel shall desire to claim the benefit of limitation of liability provided for in the act of Congress in that behalf shall apply to the Circuit Court [of Appeal] of the United States where such cases are or shall be pending in said courts upon appeal from the District Courts.

**Rule 59. Bringing in Other Offending Vessel on Libel for Collision.** In a suit for damage by collision, if the claimant of any vessel proceeded against, or any respondent proceeded against *in personam*, shall, by petition, on oath, presented before or at the time of answering the libel, or within such further time as the court may allow, and containing suitable allegations showing fault or negligence in any other vessel contributing to the same collision, and the particulars thereof, and that such other vessel or any other party ought to be proceeded against in the same suit for such damage, pray that process be issued against such vessel or party to that end, such process may be issued, and, if duly served, such suit shall proceed as if such vessel or party had been originally proceeded against; the other parties in the suit shall answer the petition; the claimant of such vessel or such new party shall answer the libel; and such further proceedings shall be had and decree rendered by the court in the suit as to law and justice shall appertain. But every such petitioner shall, upon filing his petition, give a stipulation, with sufficient sureties, to pay to the libelant and to any claimant or new party brought in by virtue of such process, all such costs, damages, and expenses as shall be awarded against the petitioner by the court upon the final decree, whether rendered in the original or appellate court; and any such claimant or new party shall give the same bonds or stipulations which are required in like cases from parties brought in under process issued on the prayer of a libelant.

## GENERAL ORDERS IN BANKRUPTCY.

**Preamble.**—In pursuance of the powers conferred by the Constitution and laws upon the Supreme Court of the United States, and particularly by the act of Congress approved July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States, it is ordered, on this twenty-eighth day of November, 1898, that the following rules be adopted and established as general orders in bankruptcy, to take effect on the first Monday, being the second

day, of January, 1899. And it is further ordered that all proceedings in bankruptcy had before that day, in accordance with the act last aforesaid, and being in substantial conformity either with the provisions of these general orders, or else with the general orders established by this court under the bankrupt act of 1867 and with any general rules or special orders of the courts in bankruptcy, stand good, subject, however, to such further regulation by rule or order of those courts as may be necessary or proper to carry into force and effect the bankrupt act of 1898 and the general orders of this court.

**1. Docket.**—The clerk shall keep a docket, in which the cases shall be entered and numbered in the order in which they are commenced. It shall contain a memorandum of the filing of the petition and of the action of the court thereon, of the reference of the case to the referee, and of the transmission by him to the clerk of his certified record of the proceedings, with the dates thereof, and a memorandum of all proceedings in the case except those duly entered on the referee's certified record aforesaid. The docket shall be arranged in a manner convenient for reference, and shall at all times be open to public inspection.

**2. Filing of Papers.**—The clerk or the referee shall indorse on each paper filed with him the day and hour of filing, and a brief statement of its character.

**3. Process.**—All process, summons and subpoenas shall issue out of the court, under the seal thereof, and be tested by the clerk; and blanks, with the signature of the clerk and seal of the court, may, upon application, be furnished to the referees.

**4. Conduct of Proceedings.**—Proceedings in bankruptcy may be conducted by the bankrupt in person in his own behalf, or by a petitioning or opposing creditor; but a creditor will only be allowed to manage before the court his individual interest. Every party may appear and conduct the proceedings by attorney, who shall be an attorney or counsel authorized to practice in the Circuit Court or District Court. The name of the attorney or counselor, with his place of business, shall be entered upon the docket, with the date of the entry. All papers or proceedings offered by an attorney to be filed shall be indorsed as above required, and orders granted on motion shall contain the name of the party or attorney making the motion. Notices and orders which are not, by the act or by these general orders, required to be served on the party personally may be served upon his attorney.

**5. Frame of Petitions.**—All petitions and the schedules filed therewith shall be printed or written out plainly, without abbreviation or interlineation, except where such abbreviation and interlineation may be for the purpose of reference.

**6. Petitions in Different Districts.**—In case two or more petitions shall be filed against the same individual in different districts, the first hearing shall be had in the district in which the debtor has his domicile, and the petition may be amended by inserting an allegation of an act of bankruptcy committed at an earlier date than that first

alleged, if such earlier act is charged in either of the other petitions; and in case of two or more petitions against the same partnership in different courts, each having jurisdiction over the case, the petition first filed shall be first heard, and may be amended by the insertion of an allegation of an earlier act of bankruptcy than that first alleged, if such earlier act is charged in either of the other petitions; and, in either case, the proceedings upon the other petitions may be stayed until an adjudication is made upon the petition first heard; and the court which makes the first adjudication of bankruptcy shall retain jurisdiction over all proceedings therein until the same shall be closed. In case two or more petitions shall be filed in different districts by different members of the same partnership for an adjudication of the bankruptcy of said partnership, the court in which the petition is first filed, having jurisdiction, shall take and retain jurisdiction over all proceedings in such bankruptcy until the same shall be closed; and if such petitions shall be filed in the same district, action shall be first had upon the one first filed. But the court so retaining jurisdiction shall, if satisfied that it is for the greatest convenience of parties in interest that another of said courts should proceed with the cases, order them to be transferred to that court.

**7. Priority of Petitions.**—Whenever two or more petitions shall be filed by creditors against a common debtor, alleging separate acts of bankruptcy committed by said debtor on different days within four months prior to the filing of said petitions, and the debtor shall appear and show cause against an adjudication of bankruptcy against him on the petitions, that petition shall be first heard and tried which alleges the commission of the earliest act of bankruptcy; and in case the several acts of bankruptcy are alleged in the different petitions to have been committed on the same day, the court before which the same are pending may order them to be consolidated, and proceed to a hearing as upon one petition; and if an adjudication of bankruptcy be made upon either petition, or for the commission of a single act of bankruptcy, it shall not be necessary to proceed to a hearing upon the remaining petitions, unless proceedings be taken by the debtor for the purpose of causing such adjudication to be annulled or vacated.

**8. Proceedings in Partnership Cases.**—Any member of a partnership who refuses to join in a petition to have the partnership declared bankrupt, shall be entitled to resist the prayer of the petition in the same manner as if the petition had been filed by a creditor of the partnership, and notice of the filing of the petition shall be given to him in the same manner as provided by law and by these rules in the case of a debtor petitioned against; and he shall have the right to appear at the time fixed by the court for the hearing of the petition and to make proof, if he can, that the partnership is not insolvent or has not committed an act of bankruptcy, and to make all defenses which any debtor proceeded against is entitled to take by the provisions of the act; and in case an adjudication of bankruptcy is made upon the petition, such partner shall be required to file a schedule of his debts and

an inventory of his property in the same manner as is required by the act in cases of debtors against whom adjudication of bankruptcy shall be made.

**9. Schedule in Involuntary Bankruptcy.**—In all cases of involuntary bankruptcy in which the bankrupt is absent or cannot be found it shall be the duty of the petitioning creditor to file, within five days after the date of adjudication, a schedule giving the names and places of residence of all the creditors of the bankrupt, according to the best information of the petitioning creditor. If the debtor is found, and is served with notice to furnish a schedule of his creditors and fails to do so, the petitioning creditors may apply for an attachment against the debtor, or may himself furnish such schedule as aforesaid.

**10. Indemnity for Expenses.**—Before incurring any expense in publishing or mailing notices, or in traveling, or in procuring the attendance of witnesses, or in perpetuating testimony, the clerk, marshal or referee may require, from the bankrupt or other person in whose behalf the duty is to be performed, indemnity for such expense. Money advanced for this purpose by the bankrupt or other person shall be repaid him out of the estate as part of the cost of administering the same.

**11. Amendments.**—The court may allow amendments to the petition and schedules on application of the petitioner. Amendments shall be printed or written, signed and verified, like original petitions and schedules. If amendments are made to separate schedules, the same must be made separately, with proper references. In the application for leave to amend, the petitioner shall state the cause of the error in the paper originally filed.

**12. Duties of Referee.**—1. *Proceedings Before Referee.*—The order referring a case to a referee shall name a day upon which the bankrupt shall attend before the referee; and from that day the bankrupt shall be subject to the orders of the court in all matters relating to his bankruptcy, and may receive from the referee a protection against arrest, to continue until the final adjudication on his application for a discharge, unless suspended or vacated by order of the court. A copy of the order shall forthwith be sent by mail to the referee, or be delivered to him personally by the clerk or other officer of the court. And thereafter all the proceedings, except such as are required by the act or by these general orders to be had before the judge, shall be had before the referee.

2. *Time and Place.*—The time when and the place where the referees shall act upon the matters arising under the several cases referred to them shall be fixed by special order of the judge, or by the referee; and at such times and places the referees may perform the duties which they are empowered by the act to perform.

3. *Applications for Discharge, etc.*—Applications for a discharge, etc., or for the approval of a composition, or for an injunction to stay proceedings of a court or officer of the United States, or of a State, shall be heard and decided by the judge. But he may refer such an application,

or any specified issue arising thereon, to the referee to ascertain and report the facts.

**13. Appointment and Removal of Trustee.**—The appointment of a trustee by the creditors shall be subject to be approved or disapproved by the referee or by the judge; and he shall be removable by the judge only.

**14. No Official or General Trustee.**—No official trustee shall be appointed by the court, nor any general trustee to act in classes of cases.

**15. Trustee not Appointed in Certain Cases.**—If the schedule of a voluntary bankrupt discloses no assets, and if no creditor appears at the first meeting, the court may, by order setting out the facts, direct that no trustee be appointed; but at any time thereafter a trustee is appointed as aforesaid, the court may order that no meeting of the creditors other than the first meeting shall be called.

**16. Notice to Trustee of His Appointment.**—It shall be the duty of the referee, immediately upon the appointment and approval of the trustee, to notify him in person or by mail of his appointment; and the notice shall require the trustee forthwith to notify the referee of his acceptance or rejection of the trust, and shall contain a statement of the penal sum of the trustee's bond.

**17. Duties of Trustee.**—The trustee shall, immediately upon entering upon his duties, prepare a complete inventory of all the property of the bankrupt that comes into his possession. The trustee shall make report to the court, within twenty days after receiving the notice of his appointment, of the articles set off to the bankrupt by him, according to the provisions of the forty-seventh section of the act, with the estimated value of each article, and any creditor may take exceptions to the determination of the trustee within twenty days after the filing of the report. The referee may require the exceptions to be argued before him, and shall certify them to the court for final determination at the request of either party. In case the trustee shall neglect to file any report or statement which it is made his duty to file or make by the act, or by any general order in bankruptcy, within five days after the same shall be due, it shall be the duty of the referee to make an order requiring the trustee to show cause before the judge at a time specified in the order, why he should not be removed from office. The referee shall cause a copy of the order to be served upon the trustee at least seven days before the time fixed for the hearing, and proof of the service thereof to be delivered to the clerk. All accounts of trustees shall be referred as of course to the referee for audit, unless otherwise specially ordered by the court.

**18. Sale of Property.**—1. *Public Sales.*—All sales shall be by public auction unless otherwise ordered by the court.

2. *Private Sale.*—Upon application to the court, and for good cause shown, the trustee may be authorized to sell any specified portion of the bankrupt's estate at private sale; in which case he shall keep an accurate account of each article sold, and the price received therefor, and to who, sold; which account he shall file at once with the referee.

3. *Sale of Perishable Property.*—Upon petition by a bankrupt, creditor, receiver, or trustee, setting forth that a part or the whole of the bankrupt's estate is perishable, the nature and location of such perishable estate, and that there will be loss if the same is not sold immediately, the court, if satisfied of the facts stated and that the sale is required in the interest of the estate, may order the same to be sold, with or without notice to the creditors, and the proceeds to be deposited in court.

19. *Accounts of Marshal.*—The marshal shall make return, under oath, of his actual and necessary expenses in the service of every warrant addressed to him, and for custody of property, and other services, and other actual and necessary expenses paid by him, with vouchers therefor whenever practicable, and also with a statement that the amounts charged by him are just and reasonable.

20. *Papers Filed After Reference.*—Proofs of claims and other papers filed subsequently to the reference, except such as call for action by the judge, may be filed either with the referee or with the clerk.

21. *Proof of Debts.*—1. *Depositions to Prove Claims.*—Depositions to prove claims against a bankrupt's estate shall be correctly entitled in the court and in the cause. When made to prove a debt due to a partnership, it must appear on oath that the deponent is a member of the partnership; when made by an agent, the reason the deposition is not made by the claimant in person must be stated; and when made to prove a debt due to a corporation, the deposition shall be made by the treasurer, or if the corporation has no treasurer, by the officer whose duties most nearly correspond to those of treasurer. Depositions to prove debts existing in open account shall state when the debt became or will become due; and if it consists of items maturing at different dates the average due date shall be stated, in default of which it shall not be necessary to compute interest upon it. All such depositions shall contain an averment that no note has been received for such account, nor any judgment rendered thereon. Proofs of debt received by any trustee shall be delivered to the referee to whom the cause is referred.

2. *Notices, How Addressed.*—Any creditor may file with the referee a request that all notices to which he may be entitled shall be addressed to him at any place, to be designated by the postoffice box or street number, as he may appoint; and thereafter, and until some other designation shall be made by such creditor, all notices shall be so addressed; and in other cases notices shall be addressed as specified in proof of debt.

3. *Assigned Claims.*—Claims which have been assigned before proof shall be supported by a deposition of the owner at the time of the commencement of proceedings, setting forth the true consideration of the debt, and that it is entirely unsecured, or if secured, the security as is required in proving secured claims. Upon the filing of satisfactory proof of the assignment of a claim proved and entered on the referee's docket, the referee shall immediately give notice by mail

to the original claimant of the filing of such proof of assignment; and if no objection be entered within ten days, or within further time allowed by the referee, he shall make an order subrogating the assignee to the original claimant. If objection be made, he shall proceed to hear and determine the matter.

4. *Claims of Persons Contingently Liable.*—The claims of persons contingently liable for the bankrupt may be proved in the name of the creditor when known by the party contingently liable. When the name of the creditor is unknown, such claim may be proved in the name of the party contingently liable; but no dividend shall be paid upon such claim, except upon satisfactory proof that it will diminish *pro tanto* the original debt.

5. *Letter of Attorney.*—The execution of any letter of attorney to represent a creditor, or of an assignment of claim after proof, may be proved or acknowledged before a referee, or a United States commissioner, or a notary public. When executed on behalf of a partnership or of a corporation, the person executing the instrument shall make oath that he is a member of the partnership, or a duly authorized officer of the corporation on whose behalf he acts. When the person executing is not personally known to the officer taking the proof or acknowledgment, his identity shall be established by satisfactory proof.

6. *Re-examination of Claim.*—When the trustee or any creditor shall desire the re-examination of any claim filed against the bankrupt's estate, he may apply by petition to the referee to whom the case is referred for an order for such re-examination, and thereupon the referee shall make an order fixing a time for hearing the petition, of which due notice shall be given by mail addressed to the creditor. At the time appointed the referee shall take the examination of the creditor, and of any witness that may be called by either party and if it shall appear from such examination that the claim ought to be expunged or diminished, the referee may order accordingly.

22. *Taking of Testimony.*—The examination of witnesses before the referee may be conducted by the party in person or by his counsel or attorney, and the witnesses shall be subject to examination and cross-examination, which shall be had in conformity with the mode now adopted in courts of law. A deposition taken upon an examination before a referee shall be taken down in writing by him, or under his direction, in the form of narrative, unless he determines that the examination shall be by question and answer. When completed it shall be read over to the witness and signed by him in the presence of the referee. The referee shall note upon the deposition any question objected to, with his decision thereon; and the court shall have power to deal with the costs of incompetent, immaterial, or irrelevant depositions, or parts of them, as may be just.

23. *Orders of Referee.*—In all orders made by a referee, it shall be recited, according as the fact may be, that notice was given and the manner thereof; or that the order was made by consent; or that no

adverse interest was represented at the hearing; or that the order was made after hearing adverse interests.

**24. Transmission of Proved Claims to Clerk.**—The referees shall forthwith transmit to the clerk a list of the claims proved against an estate, with the names and addresses of the proving creditors.

**25. Special Meeting of Creditors.**—Whenever, by reason of a vacancy in the office of trustee, or for any other cause, it becomes necessary to call a special meeting of the creditors in order to carry out the purpose of the act, the court may call such a meeting, specifying in the notice the purpose for which it is called.

**26. Accounts of Referee.**—Every referee shall keep an accurate account of his traveling and incidental expenses, and of those of any clerk or any officer attending him in the performance of his duties in any case which may be referred to him; and shall make return of the same under oath to the judge, with proper vouchers when vouchers can be procured, on the first Tuesday in each month.

**27. Review by Judge.**—When a bankrupt, creditor, trustee, or other person shall desire a review by the judge of any order made by the referee, he shall file with the referee his petition therefor, setting out the error complained of; and the referee shall forthwith certify to the judge the question presented, a summary of the evidence relating thereto, and the finding and order of the referee thereon.

**28. Redemption of Property and Compounding of Claims.**—Whenever it may be deemed for the benefit of the estate of a bankrupt to redeem and discharge any mortgage or other pledge, or deposit or lien upon any property, real or personal, or to relieve said property from any conditional contract, and to tender performance of the conditions thereof, or to compound and settle any debts or other claims due or belonging to the estate of the bankrupt, the trustee, or the bankrupt, or any creditor who has proved his debt, may file his petition therefor, and thereupon the court shall appoint a suitable time and place for the hearing thereof, notice of which shall be given as the court shall direct, so that all creditors and other persons interested may appear and show cause, if any they have, why an order should not be passed by the court upon the petition authorizing such act on the part of the trustee.

**29. Payment of Moneys Deposited.**—No moneys deposited as required by the act shall be drawn from the depository unless by check or warrant, signed by the clerk of the court, or by a trustee, and countersigned by the judge of the court, or by a referee designated for that purpose, or by the clerk or his assistant under an order made by the judge, stating the date, the sum, and the account for which it is drawn; and an entry of the substance of such check or warrant, with the date thereof, the sum drawn for, and the account for which it is drawn, shall be forthwith made in a book kept for that purpose by the trustee or his clerk; and all checks and drafts shall be entered in the order of time in which they are drawn, and shall be numbered in the



case of each estate. A copy of this general order shall be furnished to the depository, and also the name of the referee or clerk authorized to countersign said checks.

**30. Imprisoned Debtor.**—If, at the time of preferring his petition, the debtor shall be imprisoned, the court, upon application, may order him to be produced upon *habeas corpus*, by the jailer, or any officer in whose custody he may be, before the referee, for the purpose of testifying in any manner relating to his bankruptcy; and if committed after the filing of his petition upon process in any civil action founded upon a claim provable in bankruptcy, the court may, upon like application, discharge him from such imprisonment. If the petitioner, during the pendency of the proceedings in bankruptcy, be arrested or imprisoned upon process in any civil action, the district court, upon his application, may issue a writ of *habeas corpus* to bring him before the court to ascertain whether such process has been issued for the collection of any claim provable in bankruptcy, and if so provable he shall be discharged; if not, he shall be remanded to the custody in which he may lawfully be. Before granting the order for discharge the court shall cause notice to be served upon the creditor or his attorney, so as to give him an opportunity of appearing, and being heard before the granting of the order.

**31. Petition for Discharge.**—The petition of a bankrupt for a discharge shall state concisely, in accordance with the provisions of the act and the orders of the court, the proceedings in the case and the acts of the bankrupt.

**32. Opposition to Discharge or Composition.**—A creditor opposing the application of a bankrupt for his discharge, or for the confirmation of a composition, shall enter his appearance in opposition thereto on the day when the creditors are required to show cause, and shall file a specification in writing of the grounds of his opposition within ten days thereafter, unless the time shall be enlarged by special order of the judge.

**33. Arbitration.**—Whenever a trustee shall make application to the court for authority to submit a controversy arising in the settlement of a demand against a bankrupt's estate, or for a debt due to it, to the determination of arbitrators, or for authority to compound and settle such controversy by agreement with the other party, the application shall clearly and distinctly set forth the subject matter of the controversy, and the reasons why the trustee thinks it proper and most for the interest of the estate that the controversy should be settled by arbitration or otherwise.

**34. Costs in Contested Adjudications.**—In cases of involuntary bankruptcy, when the debtor resists an adjudication, and the court, after hearing, adjudges the debtor a bankrupt, the petitioning creditor shall recover, and be paid out of the estate, the same costs that are allowed to a party recovering in a suit in equity; and if the petition is dismissed the debtor shall recover like costs against the petitioner.

**35. Compensation of Clerks, Referees, and Trustees.**—1. *Fees Allowed Clerks.*—The fees allowed by the act to clerks shall be in full compensation for all services performed by them in regard to filing petitions or other papers required by the act to be filed with them, or in certifying or delivering papers or copies of records to referees or other officers, or in receiving or paying out moneys; but shall not include copies furnished to other persons, or expenses necessarily incurred in publishing or mailing notices or other papers.

2. *Compensation of Referees.*—The compensation of referees, prescribed by the act, shall be in full compensation for all services performed by them under the act, or under these general orders; but shall not include expenses necessarily incurred by them in publishing or mailing notices, in traveling, or in perpetuating testimony or other expenses necessarily incurred in the performance of their duties under the act and allowed by special order of the judge.

3. *Compensation Allowed Trustees.*—The compensation allowed to trustees by the act shall be in full compensation for the services performed by them; but shall not include expenses necessarily incurred in the performance of their duties and allowed upon the settlement of their accounts.

4. *Payment of Fees.*—In any case in which the fees of the clerk, referee, and trustee are not required by the act to be paid by a debtor before filing his petition to be adjudged a bankrupt, the judge, at any time during the pendency of the proceeding in bankruptcy, may order those fees to be paid out of the estate; or may, after notice to the bankrupt, and satisfactory proof that he then has or can obtain the money with which to pay those fees, order him to pay them within a time specified, and, if he fails to do so, may order his petition to be dismissed. He may also, pending such proceedings, both in voluntary and involuntary cases, order the commissions of referees and trustees to be paid immediately after such commissions accrue and are earned.

**36. Appeals.**—1. *Appeals from Court of Bankruptcy.*—Appeals from a court of bankruptcy to a Circuit Court of Appeals, or to the Supreme Court of a territory, shall be allowed by a judge of the court appealed from or of the court appealed to, and shall be regulated, except as otherwise provided in the act by the rules governing appeals in equity in the courts of the United States.

2. *Appeals to the Supreme Court.*—Appeals under the act to the Supreme Court of the United States from a Circuit Court of Appeals, or from the Supreme Court of a territory, or from the Supreme Court of the District of Columbia, or from any court of bankruptcy whatever, shall be taken within thirty days after the judgment or decree, and shall be allowed by a judge of the court appealed from, or by a justice of the Supreme Court of the United States.

3. *Record on Appeal.*—In every case in which either party is entitled by the act to take an appeal to the Supreme Court of the United States, the court from which the appeal lies shall, at or before the time of entering its judgment or decree, make and file a finding of the facts, and its conclusions of law thereon, stated separately; and the record

transmitted to the Supreme Court of the United States on such an appeal shall consist only of the pleadings, the judgment or decree, the finding of facts, and the conclusions of law.

**37. General Provisions.**—In proceedings in equity, instituted for the purpose of carrying into effect the provisions of the act, or for enforcing the rights and remedies given by it, the rules of equity practice established by the Supreme Court of the United States shall be followed as nearly as may be. In proceedings at law, instituted for the same purpose, the practice and procedure in cases at law shall be followed as nearly as may be. But the judge may, by special order in any case, vary the time allowed for return of process, for appearance and pleading, and for taking testimony and publication, and may otherwise modify the rules for the preparation of any particular case so as to facilitate a speedy hearing.

**38. Forms.**—The several forms annexed to these general orders shall be observed and used, with such alterations as may be necessary to suit the circumstances of any particular case.

[Forms omitted.]

## UNITED STATES SUPREME COURT.

### CLERK'S INSTRUCTIONS AS TO APPLICATIONS FOR WRITS OF CERTIORARI UNDER ACT OF MARCH 3, 1891.

The following are the requirements on applications for writs of *certiorari* under the act of March 3, 1891:

Petitions are docketed in this court as

....., Petitioner, *vs.* ....., Respondent.

Before the petition will be docketed there must be furnished this office:

1. An original petition with written signature of counsel.
2. A certified copy of the transcript of the record, including all proceedings in the Circuit Court of Appeals.
3. An appearance of counsel for petitioner, signed by a member of the bar of this court.

4. A deposit of twenty-five dollars (\$25) on account of costs.

Before submission of the petition there must be furnished:

1. Proof of service of notice of date fixed for submission and of copies of petition and brief upon counsel for the respondent. About two weeks' notice should be given.
2. Twenty-five (25) printed copies of the petition.
3. Twenty-five (25) printed copies of brief in support of petition, if any such brief is to be filed.
4. At least nine (9) uncertified copies of record, which must contain all the proceedings in the Circuit Court of Appeals. These copies may be made up by using copies of the record as printed for the Circuit Court of Appeals and adding thereto printed copies of the proceedings in that court. If a sufficient number of records thus made up cannot

be obtained, making it necessary to reprint the record for use on the hearing of the petition, fifty (50) copies must be printed under my supervision, in order that, should the petition be granted, there may be a sufficient number for use on the final hearing.

Monday being motion day, some Monday must be fixed upon for the submission of the petition. No oral argument is permitted on such petitions, but they must be called up and submitted in open court by counsel for petitioner, or by some attorney in his behalf.

If a respondent desires to oppose a petition, twenty-five (25) copies of a brief for such respondent must be filed. These briefs must bear the name of a member of the bar of this court, who should also enter an appearance for the respondent. It is not necessary, however, for such counsel to be present in court when the petition is submitted.

*All papers in the case must be filed not later than the Saturday preceding the Monday fixed for the submission of the petition.*

JAMES H. MCKENNEY,

Clerk of the Supreme Court of the United States.

## **RULES—UNITED STATES CIRCUIT COURT OF APPEALS, NINTH CIRCUIT.**

**Rule 1. Name.**—The court adopts "United States Circuit Court of Appeals for the Ninth Circuit" as the title of the court.

**Rule 2. Seal.**—The seal shall contain the words "United States" on the upper part of the outer edge; and the words "Circuit Court of Appeals" on the lower part of the outer edge, running from left to right; and the words "Ninth Circuit" in two lines, in the center, with a dash beneath.

**Rule 3.\* Terms.**—One term of this court shall be held annually at the city of San Francisco on the first Monday of October, and shall be adjourned to such times and places as the court may from time to time designate.

**Rule 4. Quorum.**—1. If, at any term or session, a quorum does not attend on any day appointed for holding it, any Judge who does attend may adjourn the court from time to time, or, in the absence of any Judge, the Clerk may adjourn the court from day to day. If, during a term, after a quorum has assembled, less than that number attend on any day, any Judge attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

2. Any Judge attending when less than a quorum is present may make all necessary orders touching any suit, proceeding or process depending in or returned to the court, preparatory to hearing, trial or decision thereof.

**Rule 5. Clerk.**—The Clerk's office shall be kept at San Francisco, California.

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\*See, also, Rule 36.

2. The Clerk shall not practice, either as attorney or counselor, in this court or in any other court while he shall continue to be clerk of this court.

3. He shall, before he enters on the execution of his office, take an oath in the form prescribed by section 794 of the Revised Statutes, and shall give bond in a sum to be fixed, and with sureties to be approved, by the court, faithfully to discharge the duties of his office and seasonably to record the decrees, judgments, and determinations of the court. A copy of such bond shall be entered on the journal of the court, and the bond shall be deposited for safekeeping as the court may direct.

4. He shall not permit any original record or paper to be taken from the courtroom or from the office, without an order from the court, except as provided in Rule 23.

**Rule 6. Marshal, Crier and Other Officers.**—The marshal and crier shall be in attendance during the session of the court, with such number of bailiffs and messengers as the court may from time to time order.

**Rule 7.\* Attorneys and Counselors.**—All attorneys admitted to practice in the Supreme Court of the United States, or in any District Court of the Ninth Circuit, shall be deemed attorneys of the Circuit Court of Appeals for the Ninth Circuit; but such attorneys, on or before their first appearance in open court, in said court, shall take an oath or affirmation, in the form prescribed by Rule 2 of the Supreme Court of the United States and subscribe the Roll of Attorneys. All other persons who have been admitted to practice in the highest court of any State or Territory, upon presenting satisfactory evidence of good moral character and fair professional standing, may be admitted to practice in said court, upon taking the oath so prescribed, and subscribing the Roll of Attorneys.

**Rule 8. Practice.**—The practice shall be the same as in the Supreme Court of the United States, as far as the same shall be applicable.

**Rule 9. Process.**—All process of this court shall be in the name of the President of the United States, and shall be in like form and tested in the same manner as process of the Supreme Court.

**Rule 10. Bill of Exceptions.**—The Judges of the district courts shall not allow any bill of exceptions which shall contain the charge of the court at large to the jury in trials at common law, upon any general exception to the whole of such charge. But the party excepting shall be required to state distinctly the several matters of law in such charge to which he excepts, and those matters of law, and those only, shall be inserted in the bill of exceptions and allowed by the court.

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\*Appearance cannot be entered unless counsel is a member of the bar of this court, or of the Supreme Court of the United States, or of a district court within the ninth circuit. Briefs signed by counsel who are not members of the bar of this court or fully qualified under the provisions of this rule will not be considered by the court.

**Rule 11.\* Assignment of Errors.**—The plaintiff in error or appellant shall file with the Clerk of the court below, with his petition for the writ of error or appeal, an assignment of errors, which shall set out separately and particularly each error asserted and intended to be urged. No writ of error or appeal shall be allowed until such assignment of errors shall have been filed. When the error alleged is to the admission or to the rejection of evidence, the assignment of errors shall quote the full substance of the evidence admitted or rejected. When the error alleged is to the charge of the court, the assignment of errors shall set out the part referred to *totidem verbis*, whether it be in instructions given or in instructions refused. Such assignment of errors shall form part of the transcript of the record and be printed with it. When this is not done, counsel will not be heard, except at the request of the court; and errors not assigned according to this rule will be disregarded, but the court, at its option, may notice a plain error not assigned.

**Rule 12. Objections to Evidence in the Record.**—In all cases of equity or admiralty jurisdiction, heard in this court, no objection shall be allowed to be taken to the admissibility of any deposition, deed, grant, exhibit, or translation found in the record as evidence, unless objection was taken thereto in the court below and entered of record; but the same shall otherwise be deemed to have been admitted by consent.

**Rule 13. Supersedeas and Cost Bonds.**—1. *Supersedeas* bonds in the district courts must be taken, with good and sufficient security, that the plaintiff in error or appellant shall prosecute his writ or appeal to effect, and answer all damages and costs if he fail to make his plea good. Such indemnity, where the judgment or decree is for the recovery of money not otherwise secured, must be for the whole amount of the judgment or decree, including just damages for delay, and costs and interest on the appeal; but in all suits where the property in controversy necessarily follows the suit, as in real actions and replevin, and in suits on mortgages, or where the property is in the custody of the marshal under admiralty process, or where the proceeds thereof, or a bond for the value thereof, is in the custody of the court, indemnity in all such cases will be required only in an amount sufficient to secure the sum recovered for the use and detention of the property, and the costs of the suit and just damages for delay, and costs and interest on the appeal.

2. On all appeals from any interlocutory order or decree granting or continuing an injunction in a district court, the appellant shall, at the time of the allowance of said appeal, file with the Clerk of such District Court a bond to the opposite party in such sum as such court shall direct, to answer all costs if he shall fail to sustain his appeal.

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\*See note to Admiralty Rule 1.

**Rule 14.\* Writs of Error, Appeals, Return and Record.**—1. The Clerk of the court to which any writ of error may be directed shall make a return of the same by transmitting a true copy of the record, opinion or opinions of the court, bill of exceptions, assignment of errors, and all proceedings in the case, under his hand and the seal of the court.

2. In all cases brought to this court by writ of error or appeal, to review any judgment or decree, the Clerk of the court by which such judgment or decree was rendered shall annex to and transmit with the record the original writ of error and citation, or citation issued in the cause, and a certificate under seal stating the cost of the record and by whom paid.

3. No case will be heard until a complete record, containing in itself, and not by reference, all the papers, exhibits, depositions, and other proceedings which are necessary to the hearing in this court shall be filed.

4. Whenever it shall be necessary or proper, in the opinion of the presiding Judge in any District Court, that original papers of any kind should be inspected in this court upon writ of error or appeal, such presiding Judge may make such rule or order for the safekeeping, transporting and return of such original papers as to him may seem proper; and this court will receive and consider such original papers in connection with the transcript of the proceedings.

5. All appeals, writs of error, and citations must be made returnable at San Francisco, California, not exceeding thirty days from the day of signing the citation, whether the return day fall in vacation or in term time, and be served before the return day.

**Rule 15. Translations.**—Whenever any record transmitted to this court upon a writ of error or appeal shall contain any document, paper, testimony or other proceeding in a foreign language, and the record does not also contain a translation of such document, paper, testimony or other proceeding, made under the authority of the inferior court, or admitted to be correct, the record shall not be printed; but the case shall be reported to this court by the clerk, and the court will thereupon remand it back to the inferior court, in order that a translation may be there supplied and inserted in the record.

**Rule 16.† Docketing Cases.**—1. It shall be the duty of the plaintiff in error or appellant to file the record thereof and docket the case with the Clerk of this court at San Francisco, California, by or before the return day, whether in vacation or in term time. But for good cause shown, the Justice or Judge who signed the citation, or any Judge of this court, may enlarge the time by or before its expiration, the order of enlargement to be filed with the Clerk of this court. If the plaintiff in error or appellant shall fail to comply with this rule, the defendant in error or appellee may have the cause docketed and

\*See, also, Rules 16, 17, 23, 34, 35 and 36, and Rules in Admiralty.

†See, also, Rules 14, 17, 23, 34, 35 and 36, and Rules in Admiralty.

dismissed, upon producing a certificate, whether in term time or vacation, from the clerk of the court wherein the judgment or decree was rendered, stating the case and certifying that such writ of error or appeal has been duly sued out or allowed. And in no case shall the plaintiff in error or appellant be entitled to file the record and docket the case after the same shall have been docketed and dismissed under this rule, unless by order of the court.

2. But the defendant in error or appellee may, at his option, file a copy of the record and docket the case with the Clerk of this court; and if a copy of the record is filed and the case docketed with the Clerk of this court by the plaintiff in error or appellant within the period of time above limited and prescribed by this rule, or by the defendant in error or appellee at any time thereafter, the case shall stand for argument at the term.

3. Upon the filing of the transcript of a record brought up by a writ of error or appeal, the appearance of the counsel for the party docketing the case shall, if said counsel be qualified under the provisions of Rule 7, be entered.

**Rule 17.\* Docket.**—The Clerk shall, upon payment to him by the appellant or plaintiff in error of a deposit of twenty-five dollars in each case, file the record and enter upon a docket all cases brought to and pending in the court in their proper chronological order.

**Rule 18. Certiorari.**—No *certiorari* for diminution of the record will be hereafter awarded in any case, unless a motion therefor shall be made in writing, and the facts on which the same is founded shall, if not admitted by the other party, be verified by affidavit. And all motions for such *certiorari* must be made at the first term of the entry of the case; otherwise the same will not be granted, unless upon special cause shown to the court, accounting satisfactorily for the delay.

**Rule 19. Death of a Party.**—1. Whenever, pending a writ of error or appeal in this court, either party shall die, the proper representatives in the personalty or realty of the deceased party, according to the nature of the case, may voluntarily come in and be admitted parties to the suit, and thereupon the case shall be heard and determined as in other cases; and if such representatives shall not voluntarily become parties, then the other party may suggest the death on the record, and thereupon, on motion, obtain an order that unless such representatives shall become parties within sixty days, the party moving for such order, if defendant in error, shall be entitled to have the writ of error on appeal dismissed, and if the party so moving shall be plaintiff in error, he shall be entitled to open the record, and on hearing, have the judgment or decree reversed, if it be erroneous: *Provided, however*, that a copy of every such order shall be personally served on said representatives at least thirty days before the expiration of such sixty days.

\*See, also, Rule 16.



2. When the death of a party is suggested, and the representatives of the deceased do not appear within ten days after the expiration of such sixty days, and no measures are taken by the opposite party within that time to compel their appearance, the case shall abate.

3. When either party to a suit in a District Court of the United States shall desire to prosecute a writ of error or appeal to this court, from any final judgment or decree rendered in the District Court, and at the time of suing out such writ of error or appeal, the other party to the suit shall be dead and have no proper representative within the jurisdiction of the court which rendered such final judgment or decree, so that the suit cannot be revived in that court, but shall have a proper representative in some State or Territory of the United States, or in the District of Columbia, the party desiring such writ of error or appeal may procure the same, and may have proceedings on such judgment or decree superseded or stayed in the same manner as is now allowed by law in other cases, and shall thereupon proceed with such writ of error or appeal as in other cases. And within thirty days after the filing of the record in this court the plaintiff in error or appellant shall make a suggestion to the court, supported by affidavit, that the said party was dead when the writ of error or appeal was taken or sued out, and had no proper representative within the jurisdiction of the court which rendered such judgment or decree, so that the suit could not be revived in that court, and that said party had a proper representative in some State or Territory of the United States, or in the District of Columbia, and stating therein the name and character of such representative, and the State or Territory or District in which such representative resides; and upon such suggestion, he may on motion obtain an order that, unless such representative shall make himself a party within ninety days, the plaintiff in error or appellant shall be entitled to open the record, and, on hearing, have the judgment or decree reversed if the same be erroneous: *Provided, however*, that a proper citation reciting the substance of such order shall be served upon such representative, either personally or by being left at his residence, at least thirty days before the expiration of such ninety days: *Provided, also*, that in every such case, if the representative of the deceased party does not appear within ten days after the expiration of such ninety days, and the measures above provided to compel the appearance of such representative have not been taken within the time as above required, by the opposite party, the case shall abate: *And provided, also*, that the said representative may at any time before or after said suggestion come in and be made a party to the suit, and thereupon the case shall proceed, and be heard and determined as in other cases.

**Rule 20. Dismissing Cases by Agreement.**—Whenever the plaintiff and defendant in a writ of error pending in this court, or the appellant and appellee in an appeal, shall by their attorneys of record, sign and file with the clerk an agreement in writing directing the case to be

dismissed, and specifying the terms on which it is to be dismissed, as to costs, and shall pay to the Clerk any fees that may be due to him, it shall be the duty of the Clerk to enter the case dismissed, and to give to either party requesting it a copy of the agreement filed; but no mandate or other process shall issue without an order of the court.

**Rule 21. Motions.**—1. All motions to the court shall be reduced to writing,\* shall contain a brief statement of the facts and objects of the motion and shall be served upon opposing counsel at least five days before the day noticed for the hearing.

2. One-half hour on each side shall be allowed to the argument of a motion, and no more, without special leave of the court, granted before the argument begins.

3. No motion to dismiss, except on special assignment by the court, shall be heard, unless previous notice as above has been given to the adverse party, or the counsel or attorney of such party.

**Rule 22. Parties not Ready.**—1. Where no counsel appears, and no brief has been filed for the plaintiff in error or appellant, when the case is called for trial, the defendant may have the plaintiff called and the writ of error or appeal dismissed.

2. When the defendant fails to appear when the case is called for trial, the court may proceed to hear an argument on the part of the plaintiff, and to give judgment according to the right of the case.

3. Where a case is reached in the regular call of the docket, and there is no appearance for either party, the case shall be dismissed at the cost of the plaintiff in error or appellant.

**Rule 23. Printing Records.**—1. All records shall be printed under the supervision of the Clerk, and upon the docketing of the cause, he shall cause an estimate to be made of the expense of printing the record, and his fee for preparing it for the printer and supervising the printing, and shall notify the party docketing the case of the amount of the estimate. If the amount so estimated is not promptly paid over to the Clerk, and for want of such payment the record shall not have been printed when a case is reached for argument, the case shall be dismissed.

2. Upon payment of the amount estimated by the Clerk, thirty copies of the record shall be printed, under his supervision, for the use of the court and of counsel.

3. In cases of appellate jurisdiction the original transcript on file shall be taken by the Clerk to the printer. But the Clerk shall cause copies to be made for the printer of such original papers sent up under Rule 14, Section 4, as are necessary to be printed; and the whole of the record in cases of original jurisdiction.

4. In all cases, including cases in which the record may have been printed under the Act of Congress approved February 13, 1911, or otherwise, the Clerk of this Court shall index the printed record, and

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\*When typewritten, an original and three copies must be filed.

distribute the printed copies to the Judges and the reporter, and one or more printed copies to the counsel for the respective parties.

5. If the expense of printing and supervision shall be less than the amount estimated and paid, the Clerk shall refund the difference to the party paying same. If the expense is greater than the estimate the amount of such excess shall be paid to the Clerk before he shall file the printed record or deliver copies to the parties or their counsel.

6. In case of reversal, affirmance or dismissal, with costs, the amount paid for printing the record and of the Clerk's fee shall be taxed against the party against whom costs are given.

7. The plaintiff in error or appellant may, upon filing the record in this court, file with the Clerk a statement of the errors on which he intends to rely, and of the parts of the record which he thinks necessary for the consideration thereof, and forthwith serve on the adverse party a copy of such statement. The adverse party, within ten days thereafter, may designate, in writing, filed with the Clerk, additional parts of the record which he thinks material; and, if he shall not do so, he shall be held to have consented to a hearing on the parts designated by the plaintiff in error or appellant. If parts of the record shall be so designated by one or both of the parties, or if such parts be distinctly designated by stipulation of counsel for the respective parties, the Clerk shall print those parts only; and the court will consider nothing but those parts of the record, and the errors so stated. If at the hearing it shall appear that any material part of the record has not been printed, the writ of error or appeal may be dismissed, or such other order made as the circumstances may appear to the court to require. If the defendant in error or appellee shall have caused unnecessary parts of the record to be printed such order as to costs may be made as the court shall think proper.

All statements and stipulations filed hereunder shall distinctly and accurately refer to the pages of the original certified record as well as the documents to be printed or omitted.

8. At the time of filing the record and docketing the cause counsel for the plaintiff in error or appellant in patent cases may furnish the Clerk with the copies of patent office drawings and specifications to be used as inserts, and the same, if in proper form and of convenient size, shall be used in printing the record.

9. In all cases, including cases in which the record may have been printed under the Act of Congress approved February 13, 1911, or otherwise, the fee of the Clerk of this court for performing the services herein required shall be twenty-five cents for each printed page of the record and index, as provided by law.

**Rule 24.\* Briefs.**—1. The counsel for the plaintiff in error or appellant shall file with the Clerk of this court twenty copies of a printed

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\*NOTE.—Briefs signed by counsel who are not members of the bar of this court or fully qualified under the provisions of Rule 7, will not be considered by the court.

See, also, subd. 2 of Rule 26.

brief, and serve upon counsel for the defendant in error or the appellee one copy thereof, at least ten days before the case is called for argument.

2. This brief shall contain, in order here stated—

(a) A concise abstract, or statement of the case; presenting succinctly the questions involved, in the manner in which they are raised.

(b) A specification of the errors relied upon, which, in cases brought up by writ of error, shall set out separately and particularly each error asserted and intended to be urged; and in cases brought up by appeal the specifications shall state, as particularly as may be, in what the decree is alleged to be erroneous. When the error alleged is to the admission or to the rejection of evidence, the specification shall quote the full substance of the evidence admitted or rejected. When the error alleged is to the charge of the court, the specification shall set out the part referred to *totidem verbis*, whether it be in instructions given or in instructions refused. When the error alleged is to a ruling upon the report of a master, the specification shall state the exception to the report and the action of the court upon it.

(c) A brief of the argument, exhibiting a clear statement of the points of law or fact to be discussed, with a reference to the pages of the record and the authorities relied upon in support of each point. When a statute of a state is cited, so much thereof as may be deemed necessary to the decision of the case shall be printed at length.

3. The counsel for a defendant in error or an appellee shall file with the Clerk twenty printed copies of his brief and serve upon counsel for plaintiff in error or appellant one copy thereof, at least three days before the case is called for hearing. His brief shall be of a like character with that required of the plaintiff in error or appellant, except that no specification of error shall be required, and no statement of the case, unless that presented by the plaintiff in error or appellant is controverted.

4. When there is no assignment of errors, as required by section 997 of the Revised Statutes, counsel will not be heard, except at the request of the court; and errors not specified according to this rule will be disregarded; but the court, at its option, may notice a plain error not assigned or specified.

5. When according to this rule, a plaintiff in error or an appellant is in default, the case may be dismissed on motion; and when a defendant in error or an appellee is in default he will not be heard, except on consent of his adversary and by request of the court.

6. When no counsel appears for one of the parties, and no printed brief or argument is filed, only one counsel will be heard for the adverse party but if a printed brief or argument is filed, the adverse party will be entitled to be heard by two counsel.

**Rule 25.\* Oral Arguments.**—1. The plaintiff in error or appellant in this court shall be entitled to open and conclude the argument of

\*See, also, Rules 35 and 36.

the case. But when there are cross-appeals they shall be argued together as one case, and the plaintiff in the court below shall be entitled to open and conclude the argument.

2. Only two counsel will be heard for each party on the argument of a case.

3. One hour on each side will be allowed for the argument, and no more, without special leave of the court, granted before the argument begins. The time thus allowed may be apportioned between the counsel on the same side at their discretion; *provided, always*, that a fair opening of the case shall be made by the party having the opening and closing arguments.

**Rule 26. Form of Printed Records, Arguments, Briefs, and Petitions for Rehearing.**—1. All records printed for the use of the court must be printed on unruled white writing paper, nine and one-quarter inches long and six and one-quarter inches wide. The printed page, exclusive of any marginal note, reference or running head, must be seven inches long and four inches wide, excepting in patent cases where counsel furnish to the clerk at the time of docketing the cause patent office drawings and specifications for insertion. In such cases the margin of the record may be sufficiently enlarged to accommodate such drawings and specifications. The record must be properly indexed. Pica double-leaded is the only mode of composition allowed.

2. All arguments, briefs, and petitions for rehearing, printed for the use of the court, must be printed on unruled white writing paper, nine and one-quarter inches long and six and one-quarter inches wide. The printed page, exclusive of any marginal note, reference or running head, must be seven inches long and four inches wide. Pica double-leaded is the only mode of composition allowed.

**Rule 27. Copies of Records and Briefs.**—The Clerk shall carefully preserve in his office one copy of the printed record in every case submitted to the court for its consideration, and of all printed motions, briefs and arguments filed therein.

**Rule 28. Opinions of the Court.**—The original opinions of the court shall be filed with the Clerk of this court for preservation, and when so filed the same shall be deemed to have been recorded within the meaning of this rule.

**Rule 29.\* Rehearing.**—A petition for rehearing may be presented within thirty days after judgment. It must be printed, and briefly and distinctly state its grounds, and be supported by certificate of counsel that in his judgment it is well founded, and that it is not interposed for delay. Twenty printed copies must be filed with the Clerk of this court.

**Rule 30. Interest.**—1. In cases where a writ of error is prosecuted in this court, and the judgment of the inferior court is affirmed, the interest shall be calculated and levied from the date of the judg-

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\*See, also, subd. 2 of Rule 26 and Rule 32.

ment below until the same is paid, at the same rate that similar judgments bear interest in the courts of the State or Territory where such judgment was rendered.

2. In all cases where a writ of error shall delay the proceedings on the judgment of the inferior court, and shall appear to have been sued out merely for delay, damages at a rate not exceeding ten per cent, in addition to interest, shall be awarded upon the amount of the judgment.

3. The same rule shall be applied to decrees for the payment of money in cases in equity, unless otherwise ordered by this court.

4. In cases in admiralty, damages and interest may be allowed, if specially directed by the court.

**Rule 31. Costs.**—1. In all cases where any suit shall be dismissed in this court costs shall be allowed to the defendant in error or appellee, unless otherwise ordered by the court.

2. In all cases of affirmance of any judgment or decree in this court, costs shall be allowed to the defendant in error or appellee, unless otherwise ordered by the court.

3. In cases of reversal of any judgment or decree in this court, costs shall be allowed to the plaintiff in error or appellant, including the cost of the transcript from the court below, unless otherwise ordered by the court.

4. Neither of the foregoing sections shall apply to cases where the United States are a party; but in such cases no costs shall be allowed in this court for or against the United States.

5. When costs are allowed in this court it shall be the duty of the Clerk to insert the amount thereof in the body of the mandate, or other proper process sent to the court below, and annex to the same the bill of items taxed in detail.

6. In all cases certified to the Supreme Court or removed thereto by *certiorari* or otherwise, the fees of the Clerk of this court shall be paid before a transcript of the record shall be transmitted to the Supreme Court.

7. Upon the Clerk's producing satisfactory evidence, by affidavit or the acknowledgment of the parties or their sureties, of having served a copy of any bill of fees due by them, respectively, in this court, on such parties or their sureties, an attachment shall issue against such parties or sureties respectively to compel payment of said fees.

**Rule 32.\* Mandate.**—In all cases finally determined in this court, a mandate or other proper process in the nature of a *procedendo* shall, upon the payment of any costs due in the case, be issued, as of course from this court to the court below, for the purpose of informing such court of the proceedings in this court, so that further proceedings may be had in such court as to law and justice may appertain. Such mandate, if not stayed by the order of the court, shall be issued on the expiration of thirty days from the date of such final determination,

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\*See, also, Rule 29.

unless within said time a petition for rehearing be filed, in which case the mandate shall be stayed until five days after the determination of such petition.

**Rule 33. Custody of Prisoners on Habeas Corpus.**—1. Pending an appeal from the final decision of any court or Judge declining to grant the writ of *habeas corpus*, the custody of the prisoner shall not be disturbed.

2. Pending an appeal from the final decision of any court or Judge discharging the writ after it has been issued, the prisoner shall be remanded to the custody from which he was taken by the writ, or shall, for good cause shown, be detained in custody of the court or Judge, or be enlarged upon recognizance, as hereinafter provided.

3. Pending an appeal from the final decision of any court or Judge discharging the prisoner, he shall be enlarged upon recognizance, with surety, for appearance to answer the judgment of the appellate court, except where, for special reasons, sureties ought not to be required.

**Rule 34. Models, Diagrams, and Exhibits of Material.**—1. Models, diagrams and exhibits of material forming part of the evidence taken in the court below, in any case pending in this court, on writ of error or appeal, shall be placed in the custody of the marshal of this court at least ten days before the case is heard or submitted.

2. All models, diagrams and exhibits of material placed in the custody of the marshal for the inspection of the court on the hearing of a case must be taken away by the parties within one month after the case is decided. When this is not done it shall be the duty of the marshal to notify the counsel in the case, by mail or otherwise, of the requirements of this rule; and, if the articles are not removed within a reasonable time after the notice is given, he shall destroy them or make such other disposition of them as to him may seem best.

**Rule 35. Assignment of Causes for Hearing.**—1. Thirty days prior to the opening of any calendar session of the court, the Clerk is directed to assign causes for hearing at the rate of one case for the first day of each term or session, and two cases per day for each of the ensuing court days of such term or session. Causes shall be grouped by States, and assignments made, so as to permit the hearing of causes from one State before the causes from the next State in order shall be called; causes from the Northern District of California shall be assigned for hearing last. Any causes entitled by law to preference in hearing shall be first assigned and take precedence over other causes from the same State.

2. A stipulation to continue a case to the foot of the calendar or in any way change the day assigned for hearing, will not be recognized as binding upon the court, and no such change will be made except by order of the court for reasons shown.

3. Ten days before each calendar session of the court the Clerk shall prepare and cause to be printed a calendar of the causes assigned for the approaching session.

**Rule 26. Terms and Sessions of the Court.**—1. One term of this court shall be held annually on the first Monday of October and adjourned sessions on the first Monday of each month in the year. All sessions shall be held at San Francisco, unless otherwise specially ordered by the court.

2. The October, February and May sessions shall be known as calendar sessions and shall be sessions for the trial of all causes that shall have been placed upon the calendar in pursuance of Rule 35.

3. A term of this court shall be held annually in the city of Seattle, in the State of Washington, and in the city of Portland, in the State of Oregon. The Seattle term shall be held beginning upon the second Monday in September, and the term at Portland shall be held beginning upon the third Monday in September. All appeals and writs of error from the district courts for the Districts of Washington, the transcripts of which shall be filed in this court between the first day of April and the first day of August of each year, shall be heard at said annual term in the city of Seattle, unless it be stipulated by the parties thereto that they be heard at San Francisco. All other appeals and writs of error from said District Courts for those districts shall be heard at San Francisco, unless it be stipulated by the parties thereto that they be heard at said annual term in the city of Seattle. All appeals and writs of error from the District Court for the District of Oregon, the transcripts of which shall be filed in this court between the first day of April and the first day of August of each year, shall be heard at said annual term in the city of Portland, unless it be stipulated by the parties thereto that they be heard at San Francisco. All other appeals and writs of error from said District Court for that district shall be heard at San Francisco, unless it be stipulated by the parties thereto that they be heard at said annual term in the city of Portland. Appeals and writs of error from the District Courts for the Districts of Idaho and Montana, and from the District Court of Alaska may, upon the stipulation of the parties thereto, be heard at the annual term to be held either at Seattle or Portland.

**Rule 37. Photograph of Chinese to be Attached to Bail Bond.**—Whenever, in cases of deportation of Chinese, the defendant be admitted to bail pending appeal, before the bond be approved and the party released from custody, a photograph of the defendant shall be attached to said bond.



## RULES IN ADMIRALTY—CIRCUIT COURT OF APPEALS, NINTH CIRCUIT.

**Rule 1.\* Appeals and New Pleadings.**—An appeal to the Circuit Court of Appeals shall be taken by filing in the office of the Clerk of the District Court, and serving on the proctor of the adverse party a notice signed by the appellant or his proctor that the party appeals to the Circuit Court of Appeals from the decree complained of.

The appeal shall be heard on the pleadings and evidence in the District Court, unless the Appellate Court, on motion, otherwise order.

**Rule 2. Notice and Bond.**—Sec. 1. When a notice of appeal is served, the appellant shall file in the Clerk's office of the District Court a bond for costs of the appeal, with sufficient surety in the sum of \$250, conditioned that the appellant shall prosecute his appeal to effect and pay the costs, if the appeal is not sustained. Such security shall be given within ten days after filing the notice, or the appeal shall be deemed abandoned, and the decree of the court below enforced, unless otherwise ordered by a Judge of this court.

Sec. 2. And if the appellant desires to stay the execution of the decree of the court below, the bond which he shall give shall be a bond with sufficient surety in such further sum as the Judge of the District Court or a Judge of this court shall order, conditioned that he will abide by and perform whatever decree may be rendered by this court in the cause, or on the mandate of this court by the court below.

Sec. 3. The appellant shall, on filing either of such bonds, give notice of such filing, and of the names and residences of the sureties, and if the appellee, within two days, excepts to the sureties they shall justify, on notice, within two days after such exception.

**Rule 3. Review in Part Only.**—The appellant may also, at his option, state in his notice of appeal that he desires only to review one or more questions involved in the cause, which questions must be clearly and succinctly stated; and he shall be concluded in this behalf by such notice, and the review upon such an appeal shall be limited to such question or questions.

**Rule 4. Apostles on Appeal to Contain.**—Sec. 1. The apostles, on an appeal to this court, shall, in cases where a general notice of appeal is served, consist of the following:

(1) A caption exhibiting the proper style of the court and the title of the cause, and a statement showing the time of the commencement of the suit; the names of the parties, setting forth the original parties and those who have become parties before the appeal, if any change

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\*This rule so far modifies Rule 11 of the General Rules that a petition for an appeal and the allowance thereof is not required in an admiralty case, nor is the assignment of errors required to be filed with notice of appeal. The assignment of errors must, however, be sent up to the appellate court with the apostles, as required in Rule 4 of the Admiralty Rules. (*Kenney v. Louie*, No. 939. Motion to dismiss appeal denied, May 6, 1903.)

has taken place; the several dates when the respective pleadings were filed, whether or not the defendant was arrested, or bail taken, or property attached, or arrested, and if so, an account of the proceedings thereunder; the time when the trial was had, and the name of the Judge hearing the same; whether or not any question was referred to a commissioner or commissioners, and if so, the result of the proceedings and report thereon; the date of the entry of the interlocutory and final decrees; and the date when the notice of appeal was filed.

(2) All the pleadings, with the exhibits annexed thereto.

(3) All the testimony and other proofs adduced in the cause.

(4) The interlocutory decree and any order of the court which appellant may desire to have reviewed on the appeal.

(5) Any report of a Commissioner or Commissioners to which exception may have been taken, with the order or orders of the court respecting the same, and the exceptions to the report, and so much of the testimony taken in the proceeding as may be necessary to a review of the exceptions.

(6) All opinions of the court, whether upon interlocutory questions or finally deciding the cause.

(7) The final decree, and the notice of appeal; and

(8) The assignments of error.

Sec. 2. All other papers shall be omitted unless otherwise ordered by the Judge who heard the cause.

Sec. 3. Where the appellant shall appeal specially and seek only to review one or more questions involved in the cause, the apostles may, by stipulation between the proctors for the respective parties, contain only such papers and proceedings and evidence as are necessary to review the questions raised by the appeal.

**Rule 5.\* Certifying Records.**—The appellants shall, within thirty days after giving notice of appeal, procure to be filed in this court the apostles certified by the Clerk of the District Court, or in case of a special appeal, the stipulated record, with the certification by the said Clerk of all papers contained therein on file in his office.

**Rule 6. If Appearance of Appellee not Entered.**—If the appellee does not cause his appearance to be entered in this court within ten days after service on his proctor of notice that the apostles are filed in this court, the appellant may proceed *ex parte* in the cause, and have such decree as the nature of the case may demand.

**Rule 7. New Allegations, etc.**—Upon sufficient cause shown, this court, or any Judge thereof, may allow either appellant or appellee to make new allegations or pray different relief or interpose a new defense, or make new proofs. Application for such leave may be made at any time after the perfecting of the appeal to this court, and within fifteen days after the filing in this court of the apostles, and upon at least four days' notice to the adverse party or his attorney of record.

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\*Sec, also, General Rule 17.

**Rule 8. New Pleadings—New Testimony.**—If leave be granted to make new allegations, pray different relief or interpose a new defense, the moving party shall, within ten days thereafter, serve such new pleading, duly verified, on the adverse party, who shall, if such pleading be a libel, within twenty days answer on oath.

If leave be given to take new testimony, the same may be taken and filed within thirty days after the entry of the order granting such leave, and the adverse party may take and file counter-testimony within twenty days after such filing.

**Rule 9. New Testimony—How Taken.**—Such testimony shall be taken by deposition before the Clerk of this court, or any United States Commissioner, or any Clerk of a District Court of the United States, or any Notary Public upon reasonable notice, in writing, given to the opposite party or his attorney of record, either in this court or in the court below, which notice must state the name or names of the witness or witnesses and the time and place of taking his or their deposition or depositions; or by commission issued out of this court with interrogatories annexed. Upon sufficient cause shown, the court may grant an open commission.

**Rule 10. Printing New Pleadings and Testimony.**—If new pleadings are filed or testimony taken in this court, the same shall also be printed and furnished by the Clerk, as in the 23d General Rule provided.

**Rule 11. Motions.**—All motions shall be made upon at least four days' notice.

**Rule 12. Extension of Time.**—The time specified in the foregoing rules for any proceeding may be extended by order of a Judge of this court.

These rules shall go into effect on the first Monday of October, 1900.

## **RULES—UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA.**

### **ATTORNEYS AND COUNSELORS.**

**Rule 1. Attorneys, Who Admitted.**—No person shall be admitted to practice as an attorney or counselor in this court, unless he shall have been previously admitted in the Supreme Court of the United States, or the Supreme Court of this State, or the highest court of a sister State, or of an organized Territory of the United States. Satisfactory evidence of good moral character will be required. The applicant, upon his admission, shall sign the roll of attorneys and counselors, and take and subscribe the following oath, to wit:

"I solemnly swear [or affirm] that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial officers; and that I will demean myself as an attorney and counselor of this court uprightly."

**Rule 2. Agreements must be in Writing.**—No agreement between parties, or their attorneys, in relation to the proceedings or evidence in an action, will be regarded, unless the same is made in open court, and noted in its minutes, or is reduced to writing and subscribed by the party or attorney against whom it is alleged.

**Rule 3. Attorneys not Sureties, etc.**—No officer or attorney of this court shall be accepted as security for costs, or as bail of any kind.

**Rule 4. Attorneys, When Witnesses, etc.**—If the attorney or counsel of either party offers himself as a witness on behalf of his client, and gives evidence on the merits on the trial, he shall not argue the case, or sum it up to the jury, unless by consent of the opposite party, and permission of the Court.

#### COMMON-LAW RULES.

**Rule 6. Commencement of Actions.**—Actions shall be commenced by filing a complaint with the Clerk of the court. The summons shall be issued by the Clerk under the seal of the court, and be in substance similar to that used in the courts of this State, except that it shall bear *teste* of the judge of the court, and shall require the defendant to appear and file his plea, answer, or demurrer in the office of the Clerk of the court, within twenty days after the service of the summons upon him.

**Rule 7. Dismissal of Actions—Failure to Prosecute.**—Whenever a complainant shall fail to have process issued upon any complaint hereafter filed in this court, within one year after the filing thereof against any defendant named therein, who has not voluntarily made a general appearance in the action, or who shall fail to make a *bona fide* effort to procure service of summons upon such defendant within sixty days after the issuing thereof, such defendant may, upon due notice to the complainant, have said complaint dismissed for want of prosecution; but this rule shall not affect the right of the court to dismiss actions for want of prosecution in other proper cases.

**Rule 8. Service of Summons and Default.**—Service of summons shall be made by the marshal of the district in person, or by his duly appointed deputy. A copy of the complaint and a copy of the summons, certified by the Clerk or the plaintiff's attorney, shall be served personally upon each defendant; and in case the defendant fails to appear and file his plea, answer, or demurrer, in conformity with the requirements of the summons, the Clerk shall, on the written request of the plaintiff or his attorney—to be filed in the case—enter his default; and thereafter the proceedings in the action shall be in conformity with the practice prescribed for the State courts by the statutes of the State in like cases.

**Rule 9. Matters of Abatement.**—All matters in abatement shall be set up in a separate preliminary answer, in the nature of a plea in abatement, to which the plaintiff may reply or demur; and the issue so joined shall be determined by the court before the matters in bar are

pleaded. And when any matter in abatement, other than such as affects the jurisdiction of the court, shall be pleaded in the same answer with matter in bar, or to the merits, or simultaneously with an answer of matter in bar, or to the merits, the matter so pleaded in abatement shall be deemed to be waived. When the matter so pleaded in abatement consists of matters of fact, the plea or preliminary answer shall be sworn to. And when matters showing that the court has no jurisdiction, which might have been pleaded in abatement, are first developed during the proceedings in the cause upon the merits, the court will, upon its own motion, dismiss or remand the case and, in its discretion, tax the costs of such proceedings upon the merits, so far as is practicable to the party most in fault in not presenting such matters in some proper mode before proceeding upon the merits.

**Rule 10. Demurrers, Special Pleas, etc., Certificate of Counsel.**—No demurrer or special plea or answer to a complaint shall be allowed to be filed, unless accompanied by a certificate of counsel, that, in his opinion, it is well founded in point of law.

**Rule 11. Schedules of Title Furnished.**—In the trial of an action to recover lands or tenements, the attorneys for the respective parties, plaintiff and defendant, shall place in the hands of the court, before the trial, schedules of the documentary evidence of title, chronologically arranged, which they, respectively, propose to introduce as testimony.

**Rule 12. One Counsel to Examine Witness, Order of Proceedings, etc.**—On trials of issues of fact, only one counsel on each side shall examine or cross-examine a witness, and only one counsel on each side shall sum up the cause, unless the court shall otherwise direct. The party having the affirmative shall be entitled to begin, and shall, before introducing his testimony, open his case by stating generally what he expects to prove. The other party may, either then or after the adverse party rests his testimony, state what he expects to prove. After the testimony is closed, the party holding the affirmative may address the jury, and shall, if desired by the opposite party, state his points and refer to his authorities, or be precluded from a reply; the party holding the negative of the issue may then sum up his case, and the party holding the affirmative may close.

**Rule 13. Instructions to Jury, When must be Presented to Court.**—In causes civil or criminal tried by a jury, any special charge or instructions asked for by either party must be presented to the court in writing directly after the close of the evidence, and before any argument is made to the jury, or they will not be considered.

**Rule 14. Calling Parties.**—It shall not be necessary to call the plaintiff's attorney in criminal cases; and in civil cases, and in criminal cases not charging a felony, it shall not be necessary to call either party before receiving the verdict of the jury.

#### JUDGMENTS.

**Rule 15. Judgment-rolls Signed—Costs.**—The Clerk or his deputy may tax costs in cases at law and in equity, and in actions at law sign judgment-rolls.

**Rule 16. Ibid., What to Embrace.**—Immediately after entering the judgment, the Clerk shall attach together and file the following papers, which shall constitute the judgment-roll:

*First*—In case the complaint is not answered by any defendant, the summons, with the proof of service, the complaint, and a copy of the entry of the default of the defendant, and a copy of the judgment.

*Second*—In all other cases the summons, pleadings, verdict of the jury, or finding of the court, referee, or commissioner; copies of orders sustaining or overruling demurrers, and of all orders relating to a change of the parties, and a copy of the judgment. The judgment-roll shall be made, signed by the Clerk or his deputy, and filed before judgment is docketed, or an execution issued thereon. The judgment shall be entered in the judgment-book, unless otherwise ordered by the court, as soon as practicable after having been rendered; or in case of a jury trial, as soon as practicable after the rendition of the verdict. Proper entries of the judgment, under appropriate heads, shall be made by the Clerk in the docket-book kept by him immediately after the judgment-roll is filed. The docket-book shall have each page divided into columns, so as to exhibit at one view the dates of the judgments, their amounts, the executions sued out, the time of their issuing, the returns thereon, and the dates of satisfaction, with a column for miscellaneous matter.

**Rule 17. Memorandum of Costs.**—The party in whose favor a judgment at law or decree in equity is rendered, and who claims his costs, shall, unless otherwise ordered by the court, within five days after the entry of judgment or decree, deliver to the Clerk of the court, and serve on the attorney or solicitor of the adverse party, a copy thereof, together with a notice of application to have the same taxed, a memorandum of his costs and necessary disbursements in the action or proceeding, distinctly specifying each item so that the nature of the charge can be readily understood; which memorandum shall be verified by the oath of the party, or his agent, attorney, or solicitor, or by the clerk of such attorney or solicitor, stating that the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding, and shall be accompanied by the evidence of service thereof, and of said notice, upon the attorney or solicitor of the adverse party.

The notice shall specify the hour at which application to the Clerk to tax the costs will be made, and shall not be less than one nor more than three days from the date of the notice. Upon a failure to file such memorandum, notice and evidence, the costs other than the Clerk's costs (which may be inserted in the judgment or decree without such memorandum) shall be deemed waived.

In all cases where compensation is claimed for keeping personal property attached or taken on mesne process, the party delivering to the Clerk such memorandum of costs shall annex thereto a petition of the marshal under oath, fully setting forth the facts out of which such claim for compensation arose; stating the character, amount, and value of the property attached or taken; the facts showing the necessity for employing a keeper, or renting a room, or other acts performed in keeping said

property, and the reasonable necessary value of the services, in such manner that the court can determine from the facts the proper compensation to be allowed. And the said facts so set out may be controverted by the opposing party in the mode provided in Rule 18, and thereupon the Clerk shall allow and fix such amount as he shall deem reasonable as in the case of other items of costs, subject to appeal as in other cases provided in these rules.

**Rule 18. Taxation of Costs.**—At the time specified in the notice, the party objecting to any item of costs contained in the said memorandum shall present his objections, either orally or in writing, specifying each item to which objection is made, and the ground of the objection, and file any affidavit, or other evidence relied on, if any there be, to support his objections, which evidence may be rebutted by other evidence. The Clerk shall thereupon proceed to tax the costs, and shall allow such items specified in said memorandum as are properly chargeable as costs, and shall include in the judgment or decree entered, any interest on the verdict or decision of the court from the time it was rendered. And he shall, within two days after the costs shall be finally taxed, insert the same in a blank left in the judgment or decree for the purpose, and shall make a similar insertion of the costs in the copies and docket of the judgment or decree. The taxation of costs made by the Clerk shall be final, unless modified on appeal, as provided in Rule 19.

**Rule 19. Retaxation of Costs.**—An appeal from the decision of the Clerk, in the taxation of costs, may be taken to the court, or judge, orally, by either party, *instantly*, or by motion to retax upon written notice of not less than one nor more than two days, given and filed with the Clerk, within two days after the costs have been taxed in the Clerk's office, but not afterward.

When taken upon notice, the notice of motion to retax shall particularly specify the rulings of the Clerk excepted to, and no others will be noticed on the hearing.

The motion will be heard upon the same papers and evidence used before the Clerk.

**Rule 20. Sale of Real Estate Under Execution.**—In the sale of real estate under execution issuing from this court, the marshal shall conform his proceedings to the directions of the laws of this State in force at the time of the sale in relation to the sale of real estate on execution, and, in addition to the certificate filed with the recorder of the county where the lands sold are situated, shall file a copy thereof with the Clerk of this court.

**Rule 21. Redemptions of Lands Sold Under Execution.**—Redemptions of lands sold under execution out of this court may be made in the same manner, and with like effect, and by the same persons, as prescribed by the laws of this State in force at the time of the sale. And the sales by the marshal shall be made subject to such redemption.

#### EXCEPTIONS AND NEW TRIALS.

**Rule 22. Bills of Exceptions to Charge of Court, When and How Made.**—The party excepting to the charge of the court to the jury must

specify distinctly the several matters of law in the charge to which he excepts. Such matters of law, only, will be inserted in the bill of exceptions, and allowed by the court. All exceptions to the charge of the court to the jury shall be specified in writing immediately on the conclusion of the charge, and handed to the court before the jury leave the box. The bill of exceptions must be prepared in form, and presented to the judge within ten days after verdict, and in default thereof, the exceptions will be deemed waived.

**Rule 23. New Trials.**—All notices of motions for new trials must be given within *ten* days after the rendition of the verdict, or the decision sought to be set aside, and shall state generally the grounds of the motion, and whether it will be made on affidavits; on the minutes of the court (which for the purposes of this rule shall be deemed to include the notes of the evidence taken by the judge, reporter, or other authorized person; all other testimony in the case, and all rulings made and excepted to in the progress of the trial) and the pleadings and proceedings on file in the Clerk's office. Whether made upon the minutes of the court, and the pleadings and proceedings in the Clerk's office, or upon the ground of newly discovered evidence, or other grounds shown by affidavits, the motion shall be brought on for argument on the first succeeding "motion day" of the term at which it can be heard, after giving notice; and in the latter cases a copy of the affidavits upon which the motion is based shall be served on the attorney of the adverse party two days before said motion day.

**Rule 24. General Verdicts Subject to Opinion of Court.**—General verdicts may be taken subject to the opinion of the court, on a case to be prepared by the party in whose favor the verdict is taken, containing all the material evidence given at the trial. The case shall be prepared, and a copy served on the attorney of the adverse party, within ten days after taking the verdict, and afterward amended and settled within the time and in the manner prescribed by these rules for settling bills of exceptions.

**Rule 25. Exceptions, How Taken.**—Where exceptions are taken, or there is a demurrer to evidence, the party shall not be required to prepare at the trial his bill of exceptions, or demurrer and statement of evidence, but shall merely reduce such exceptions to writing, or make a minute of the demurrer to the evidence, as the case may be, and deliver it to the judge. The bill or demurrer shall, within ten days after the termination of the trial, be drawn up, filed, and a copy be served on the attorney of the adverse party, who, within five days thereafter, may prepare, serve, and file amendments thereto; and in default thereof, the right to propose amendments shall be deemed waived, in which case, within five days thereafter, the proposed bill may be presented by the moving party to the judge for allowance. If amendments are served and filed within the time allowed, they shall be deemed assented to by the party proposing the bill, and may, in like time and manner, be presented to the judge for allowance, unless the said party, within three days after receiving a copy of such amendments, shall notify the oppos-



ing attorney of his dissent, and that at a time and place specified, not less than two nor more than five days distant, he will present the proposed bill and amendments to the judge for settlement, and in that case the bill shall be so presented. In all cases where a party proposing a bill of exceptions fails to present his bill, or bill and the proposed amendments, to the judge, for allowance or settlement, within the time limited as aforesaid, his bill of exceptions shall be deemed abandoned, and his right thereto waived. In case of the absence of the judge at the time for presenting a bill of exceptions for allowance or settlement, the party proposing it may, upon one day's notice to the opposing attorney, when amendments have been proposed, otherwise without notice, and within the times limited for so presenting it, direct the Clerk of the court to transmit by mail or express to the judge, for allowance or settlement, the proposed bill, or bill and amendments, as the case may be, together with such other papers as may be deemed necessary or convenient to the judge in settling the same; and it shall be the duty of the Clerk, the expenses thereof having been first paid by the party, to forward the same to the judge, in pursuance of such directions, and to file a memorandum of his action, together with the date, among the papers in the case. Either party may transmit with such papers a memorandum, stating his points, and referring to such portions of the evidence or record as, in his judgment, may conduce to a correct settlement of the bill of exceptions; or, upon stipulation of the parties, the proposed bill and amendments may be retained by the Clerk, and be by him delivered to the judge upon his return.

**Rule 26. Notice of Motion to Stay Proceedings Pending Motion for New Trial.**—When judgment has been entered upon the verdict, or other decision, notice shall be given to the adverse party of any motion to stay execution thereon.

**Rule 27. Motion for New Trial, etc., not to Delay Entry of Judgment.**—A notice of motion for a new trial, or in arrest of judgment, shall not delay the entry and docketing of the judgment, except when proceedings are stayed by order of the court or one of the judges. If the motion be sustained, the judgment shall be set aside.

**Rule 28. No Arrest of Judgment After New Trial.**—No motion in arrest of judgment shall be heard after a new trial once had; but motions in arrest of judgment, and for a new trial, may, in the first instance, be simultaneously made.

**Rule 29. No Waiver.**—A motion for a new trial shall not be deemed a waiver of any bill of exceptions taken; but a writ of error or appeal taken, pending a motion for new trial, or application for rehearing, shall be deemed a waiver of such motion or application.

#### COMMISSIONS AND DEPOSITIONS.

**Rule 30. Depositions of Infirm Witnesses.**—A rule to take the depositions of ancient and infirm witnesses, to be read in evidence on the usual terms, is of course, and may be entered by the Clerk upon the

request of either party, stipulating a reasonable written notice to the adverse party; so of a rule for a commission to any of the United States.

**Rule 31. Ibid., Before Whom Taken.**—Depositions may be taken before any of the commissioners of any court of the United States; and commissions may be executed by any person qualified to take testimony according to the laws of the State to which the commission issues, or by any person or persons agreed on by the parties, or by such person or persons as, in the absence of any agreement, shall be designated by one of the judges of this court. The commission may be directed to one or three; but no costs shall be taxed for the service of more than one commissioner, unless both parties unite in requiring a greater number.

**Rule 32. Commissions, How Obtained.**—Either party to a cause, wishing to sue out a commission, shall first file in the Clerk's office a copy of the interrogatories to be propounded to the witnesses, and shall give five days' notice to the adverse party, or his attorney, and serve on him a copy of the interrogatories and rule for commission; and the cross-interrogatories shall be filed within five days after such notice and service. When such cross-interrogatories have been filed, the party filing them shall give notice thereof to the adverse party; and all objections or exceptions to the interrogatories filed *must be made in writing*. The interrogatories, *when objected to by either party, must be settled by one of the judges before the commission is issued*. At the expiration of five days from the filing of the interrogatories, if no objections or exceptions to them are filed, or, if filed, immediately after the same are settled, the commission shall issue with certified copies of the interrogatories attached, directed to such person or persons as shall be agreed on by the parties with the assent of one of the judges or of the Clerk, or in case of no written agreement by the parties, to some one authorized by these rules to execute it.

**Rule 33. Commission, How Opened.**—When a commission is returned, it may be opened by the Clerk at any time, by consent in writing of the parties indorsed on the commission, or filed in the cause, or by order of one of the judges. The commission when returned shall be the property of both parties, and remain with the Clerk, to be used by either.

**Rule 34. Commissions, Exceptions to Execution of, etc.**—On the return and opening of the commission, either party may give notice thereof to the opposite party, who shall, within ten days after service of such notice, file with the Clerk, and serve a copy thereof on the attorney of the adverse party, a specification of his exceptions, if he have any, to the execution of the commission, to the mode of swearing the witnesses, or to the acts or omissions of the commissioner, or of any other person or persons in or about the same. No exceptions on any of these grounds to the admissibility of the evidence so returned or filed, not included in such specifications, shall be taken on the trial of the cause; and in no case, where a deposition has been filed before the day on which the case is called for trial, shall an exception on any of said grounds be taken at the trial, unless it has been specified in writing and presented to the court for its decision before a jury is impaneled in the case. *Provided,*

that nothing herein shall be so construed as to sanction the reading of the answers of a witness, resident within one hundred miles of the place of trial.

**Rule 35. Ibid., Decisions on Exceptions.**—In all cases of exceptions filed or specified as above, by either party, any party may, before the trial of the cause, on motion, obtain a decision of the court upon the sufficiency or insufficiency of the exceptions; and such decision shall not be reconsidered upon the trial; but a bill of exceptions thereto shall be signed, if required, at the trial, in the same manner as if the decision had taken place during the trial.

### MOTIONS.

**Rule 36. Mondays Motion Days, etc.**—Mondays shall be "Motion Days" on which will be heard *ex parte* motions; motions for judgments on special verdicts, agreed statements of facts, or otherwise; motions for new trials and injunctions; and all other motions of which notice to the adverse party is required to be given. Upon reading and filing the notice of motion, with proof of due service thereof, and of copies of the papers upon which the motion is made, if no one appears to oppose it, the moving party shall be entitled to a decision of the motion. The affidavits to be used by either party, before being read on the hearing, shall be respectively indorsed with the title of the cause and name of the attorney presenting them, and marked filed by the Clerk. Upon the decision of the motion, the Clerk shall attach together the notice and affidavits, and indorse the same as having been read on the hearing. The counsel succeeding shall prepare a draft of the order. On "Law Days," and the first days of terms, the business usually assigned to those days shall take precedence of ordinary contested motions.

**Rule 37. Motions, Service of Papers, and Time.**—When a written notice of motion is necessary, it shall be given five days before the time appointed for the hearing; but the court, or one of the judges, may by special order prescribe a shorter time. A copy of all papers to be used by the moving party, except those before on file in the Clerk's office, shall be served with the notice of motion. The notice shall specify the papers upon which the moving party will rely.

**Rule 38. Motion Days, Order of Proceedings.**—On motion days the order of business, unless otherwise directed by the court, shall be as follows:

1st. Rendering decisions in such matters before submitted as are ready for decision.

2d. *Ex parte* motions.

3d. Contested motions.

Attorneys having motions on motion days will hand to the Clerk a memorandum containing the title of the cause in which the motion will be made, and the name of the attorney moving; also designating it as "*ex parte*," or "contested," as the case may be. The Clerk will make two calendars from the memoranda so furnished, one of "*ex parte*," and

the other of "contested" motions, placing the motions on the calendar in the order in which they were received by him. The memoranda may be handed to the Clerk at any time during the week, and up to the opening of court on motion day. No motions will be heard, except those on the calendars, till the calendars are disposed of.

#### CALENDAR.

**Rule 39. Calendar, When and How Made Up.**—Five days before the commencement of every term the Clerk shall prepare two calendars, one of which, to be designated the "Law Calendar," shall contain all causes pending before the court, and ready for argument on demurrer or exceptions to pleadings, whether causes at law or in equity; the other—to be known as the "General Trial Calendar"—shall contain all causes which are ready for hearing, or trial, whether the same are criminal causes, or civil causes at law, in equity, or on appeal, or writ of error. Causes in which issue is joined, or which are brought into this court on appeals, or writs of error, and which are in a condition to be heard before the calling of the "General Trial Calendar" on the first day of the term, will also be placed thereon as of course; but civil causes not in a condition to go upon the calendar before such call will only be put upon the "General Trial Calendar" by order of the court, upon motion on notice to the adverse party. Causes will be entered upon the "Law Calendar" at any time during the term, when at issue, or ready for argument.

**Rule 40. Special Calendars.**—The "General Trial Calendar" shall be divided into special calendars, arranged in the following order:

- 1st. Of criminal causes.
- 2d. Of civil causes in which the United States is a party.
- 3d. Of other civil causes at law and in equity.

The causes on each special calendar shall be arranged in the order of the dates of their issues; and the Clerk shall indicate opposite each civil cause whether it is an action at law or in equity; and in actions at law in which a stipulation waiving a jury has been filed, that fact shall be noted.

**Rule 41. General Trial Calendar When and How Called and Disposed of, etc.**—The "General Trial Calendar" will be called on the first day of each term, and all causes be then set for trial for some particular day, continued for the term, or otherwise disposed of. Unless otherwise specially ordered, causes to be tried by a jury will be set together in the first part of the term; and causes in which a jury is waived, and equity causes, will be set together in the latter part of the term. In order that causes may be properly set, counsel will be expected to file their stipulations in writing, waiving a jury before or at this call of the calendar; but a jury may be waived at any time by special leave of the court. Subject to the foregoing provisions, causes will be set for trial in the same order as that in which they stand on the "General Trial Calendar," unless, for special reasons, the court shall otherwise direct; and all applications for setting a cause out of its regular order, and to correct the

causes, must be made on this call. Causes not answered to by either party on this call of the "General Trial Calendar" will be continued for the term; and on the third call of a cause on the "General Trial Calendar," without answer from either party, will be dismissed for want of prosecution.

**Rule 42. Law Calendar, When and How Disposed of, etc.**—On the second day of each term, unless otherwise ordered by the court, and on each subsequent *rule day* of the term upon which the court is in session, the Law Calendar will be called and disposed of; and such days shall be known in these rules as "Law Days." Upon the regular call of the law calendar, when no counsel appears to support a demurrer or exception, it will be overruled without any examination of the record; and a motion for new trial, under like circumstances, will in like manner be denied.

**Rule 44. Absence of Parties When Cause Called, etc.**—When a cause is regularly called for hearing or trial, if the complainant or plaintiff fails to appear, or to proceed to a hearing or trial, unless for sufficient cause shown the court shall otherwise direct, the defendant may have the cause dismissed. If the defendant fails to appear, the plaintiff may proceed *ex parte*. If neither party appears, the cause may be continued or dismissed in the discretion of the court.

#### MISCELLANEOUS RULES OF GENERAL APPLICATION.

**Rule 45. Copies of Pleadings Served.**—A party filing a pleading other than a complaint, or bill in equity, must, within the time required to file the same, serve a copy thereof on the attorney, solicitor, or proctor of the adverse party.

**Rule 46. Pleadings, etc., How Engrossed, Paged, Numbered, Indorsed, etc.**—All pleadings, before being filed, shall have the pages and lines numbered in the margin. All pleadings and documents intended for the files of the court shall be on white paper known as "Legal Cap," of good quality, and either printed, or written in a plainly legible hand, or legibly typewritten, without erasures or interlineations, except slight corrections, which must be noted by the Clerk and attested by his initials before filing; and each paper shall have legibly indorsed thereon the title of the cause, the character or title of the paper, and if a complaint, the character of the action, and the name of the attorney or attorneys. No pleading or document, which fails to conform to the requirements of this rule, shall be filed by the Clerk.

#### APPLICATION TO AMEND PLEADINGS.

**Rule 47. Pleadings, How Amended, etc.**—In cases at law or in equity, where the right to amend any pleading is not of course, the party desiring to amend shall serve with the notice of application to amend, an engrossed copy of the pleading, with the amendment incorporated therein, or a copy of the proposed amendment, referring to the page and line of the pleading where it is desired that the amendment shall be inserted; and, if the pleadings were verified, shall verify such amended

pleading, or such proposed amendment, before the application shall be heard.

**Rule 48. Amended Pleadings Engrossed, etc.**—Whenever a pleading has been amended, the pleading, as amended, shall be engrossed and filed, unless otherwise directed by the court, and a copy of the amendment, where it has not been already served with the notice of motion to amend, shall be served on the attorney of the adverse party.

**Rule 49. Parties Appearing in Person must Designate Place to Serve Papers.**—In all cases in which a party shall appear in person, who is not an attorney, solicitor, or proctor of this court, or is a non-resident of this district, or who appears by an attorney, solicitor, or proctor who is a nonresident of this district, he shall indorse on his appearance, or his first pleading filed, a designation of the place within the city of Los Angeles where notices are to be served on him; and if he does not do so, a filing of any notice or paper in the case in the Clerk's office, with the papers in the case, shall be sufficient service.

#### GUARDIANS AD LITEM.

**Rule 51. Guardian ad Litem, Who and When Appointed.**—No person shall be appointed guardian *ad litem*, either upon the application of the infant or otherwise, unless he be the general guardian of the infant, or an attorney, or other officer of this court, or is fully competent to understand and protect the rights of the infant; has no interest adverse to that of the infant, and is not connected in business with the attorney or counsel of the adverse party; nor unless he be of sufficient pecuniary ability to answer to the infant for any damage which may be sustained for his negligence or misconduct in the defense of the suit.

**Rule 52. Ibid., Attorneys shall Act as.**—Every attorney or officer of the court shall act as guardian *ad litem* of an infant defendant, whenever appointed for that purpose by an order of the court. He shall examine into the circumstances of the case, so far as to enable him to make the proper defense, and shall be entitled to such compensation as the court may deem reasonable.

**Rule 53. Ibid., must. Give Security, Where, etc.**—No guardian *ad litem* shall receive any money, or property, or proceeds of sale of real estate, until he has given security by bond, conditioned for the faithful discharge of the duties of his trust, in double the amount of such property or money, with two or more sureties, who shall justify as in other cases. Said bond shall be approved by the judge, and filed with the Clerk.

#### DEPOSITS OF MONEY IN COURT.

**Rule 54. Moneys Paid into Court, How Disposed of, etc.**—All moneys brought into court shall be paid to the Clerk of the court, unless the court shall otherwise direct, and when not immediately paid to the party entitled, be deposited by said Clerk, in his name of office, with such depository as may be designated by law, or by the court, when no place is so designated. The amount so received, the purpose for which it was

paid into court, together with the fact of the deposit, as herein provided, shall be noted by the Clerk in the register of actions in the particular cause in which it is received.

**Rule 55. Orders on Depositories.**—Orders on depositories for the payment of money out of court shall be signed by the Clerk, and countersigned by a judge of the court.

**Rule 56. Records and Files not to be Taken from the Clerk's Office, etc.**—No record or paper belonging to the files of the court shall be taken from the office or custody of the Clerk, except upon the special order of the court or judge, and a receipt from the party obtaining it, specifying the record or paper; and no order will be made, except upon cogent reasons.

Whenever it is necessary for a judge, master, examiner, commissioner, clerk, or other officer of the court to use, for purposes of the action, at places other than the clerk's office, courtroom, or judge's chambers, pleadings or other papers which are ultimately to constitute a part of the judgment-roll, or of the record of a decree, certified copies thereof shall be furnished by the Clerk, and the expense taxed as costs in the case.

**Rule 57. Counsel must Prepare Orders, Judgments, etc.**—The counsel obtaining any order, judgment, or decree, may be required by the Clerk to furnish a draft of the same.

**Rule 58. Instruments upon Which Judgments Entered, How Disposed of, etc.**—In all cases in which a judgment or decree is entered upon a written instrument, the Clerk shall, at the time of entering the judgment or decree, note over his official signature, across the face of the instrument, the fact of the entry of the judgment, and its date, with the name of the court; and thereafter, unless the instrument is canceled, or annulled, by the decree of the court, he may return it to the party entitled upon his request, and upon his filing in the cause a copy thereof, and of the memoranda thereon, certified by the Clerk to be a true copy.

**Rule 59. Orders of Course, When may be Entered, etc.**—All rules which, by the practice of this court, either party is entitled to enter without special application to the court, may be entered as well in vacation as in term, and shall have the like effect as if entered in term.

**Rule 60. Briefs and Records, How Printed.**—When briefs, points or records are printed, they shall be printed on unruled white writing paper, ten inches long by seven inches wide, with a margin on the outer edge of not less than two inches wide. The printed page, exclusive of any marginal note or reference, shall be seven inches long, and three and one-half inches wide. Small pica solid is the smallest letter and most compact mode of composition allowed.

**Rule 61. Bonds must have Affidavits or Sureties, etc.**—No bond, or stipulation, or undertaking, will in any case be approved, unless it is accompanied by the affidavit of the sureties, that they are each residents and householders or freeholders within the district, and worth the amount specified therein over and above all their just debts and liabilities, exclusive of property exempt from execution, except that, where the amount

exceeds three thousand dollars, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond, stipulation, or undertaking, if the whole amount is equivalent to that of two sufficient sureties.

**Rule 62. Costs, Clerk may Require Deposits, etc.**—Upon the commencement of an action, the Clerk shall be entitled to require from the plaintiff the payment of the fees for issuing process, with the necessary number of copies; and in addition thereto, a deposit of ten dollars as security for any further fees that may become chargeable against the plaintiff; and upon the entering of the appearance, or the filing of a demurrer, plea, answer, or other paper, on behalf of a defendant, or of defendants, where several appear or plead jointly, the Clerk shall be entitled to require from such defendant, or defendants, a similar deposit. At the termination of the cause, each party making a deposit as security for fees shall be entitled, upon demand, to receive back from the Clerk any balance due him, after deducting the amount of all fees and costs properly chargeable or recoverable against such party. If, at any time, the fees for service rendered either party shall exceed the deposit, the Clerk shall be entitled to payment therefor upon demand, and to decline to perform any further service for such party till a compliance with such demand. All costs, chargeable to either party, paid to the Clerk by the prevailing party, shall be entered as a part of any judgment for costs entered in his favor. In causes removed from State courts, and causes on appeal, or writ of error from the United States District Court, the like deposits may be required as in causes originally commenced in this court.

#### CRIMINAL CASES.

**Rule 63. Impaneling and Challenging Jurors in Criminal Causes.**—In all criminal trials, the designation, impaneling, and challenging of jurors shall conform to the laws of this State existing at the time, except as otherwise provided by Acts of Congress, or the rules of this court; but a juror shall be challenged, or accepted and sworn, in the case as soon as his examination is completed, and before the examination of another juror.

**Rule 64. Arrest on Indictment, Order of Course.**—On filing an indictment found by the grand jury against a party not in custody or on bail, an order shall be entered as of course for a bench warrant, to be issued under the seal of the court, for the arrest of the persons indicted.

**Rule 65. Criminal Cases, Pleas or Misnomer Abolished, etc.**—Pleas in abatement on the ground of misnomer are abolished. When the defendant is arraigned, he shall be informed that if the name by which he is indicted be not his true name, he must then declare his true name or be proceeded against by the name in the indictment. If he give no other name the court may proceed accordingly. If he alleges that another name is his true name, the court shall direct an entry thereof in the minutes of the arraignment; and the subsequent proceedings on the indictment may be had against him by that name, referring also to the name by which he was indicted.



### EQUITY—INJUNCTIONS.

**Rule 66. Failure to Prosecute—Bill Dismissed.**—Within ninety days after the filing of a bill in equity in this court, the complainant in such bill shall cause process to be issued thereon, and make a *bona fide* effort to procure service of such process upon each defendant named in the bill who has not voluntarily made a general appearance in the case, and in default thereof, any defendant, who has not so appeared, upon due notice to the complainant, no good cause for the neglect appearing, shall be entitled to have the bill dismissed for want of prosecution.

**Rule 67. Injunctions, How Cause Against Shown.**—On a motion for an injunction, the defendant may show cause against its allowance, either by plea, answer, or demurrer to the bill, or by parol exception to its legal sufficiency, or by depositions and affidavits disproving the equity on which the motion is founded.

**Rule 68. Further Proofs, When not Admissible.**—Further proofs will not be heard on behalf of the complainant, in reply to defendant's answer and proofs responsive to the case made by the bill and accompanying proofs of complainant; but the complainant may be allowed, in the discretion of the court, to rebut new affirmative matter set up by the defendant constituting cause against the allowance of an injunction.

### FINES AND PENALTIES.

**Rule 76. Fines and Penalties, How Disposed of.**—When a fine or penalty is paid into court, and the whole shall belong to the United States—or one-half shall belong to the government, and the other half thereof to any other party—the Clerk shall, as soon as practicable, under the direction of the court, pay to the proper depository the amount thereof belonging to the United States; and any person claiming any portion of such fine or penalty, as the discoverer or informer, or prosecutor of the offender incurring such fine or penalty, shall file with the Clerk of the court his affidavit and such other papers as he may think proper, showing his right to a moiety of such fine or penalty; and thereupon, on notice to the parties interested, and the United States District Attorney, or in such manner as the court may direct, the court will make the proper order for payment to the parties entitled thereto.

**Rule 77. Under Internal Revenue Act.**—In cases arising under the act "To Provide Internal Revenue," etc., the person so claiming shall file, with such affidavit and papers, the written consent of the Collector of Internal Revenue of the district in which such fine or penalty was incurred, that a moiety shall be paid to such claimants—or shall show, by affidavit, that a copy of such affidavit and papers, with a notice of the application for distribution and payment, has been served on such collector, and on the United States District Attorney, five days before the time noticed for making such application. But, in special circumstances, the court may direct such other notice or proceedings as the exigencies of the case may require.

**CHAPTER 10. REMOVAL OF CASES FROM STATE COURTS.**

**Rule 38. Proceedings on Removal of Cases from State Courts.—**

Whenever an action is removed to this court from a State court in pursuance of any act of Congress, the proper papers must be filed as if such action had been commenced in this court, and thereupon the Clerk shall enter the action upon his register, and thenceforth the proceedings may proceed as in the same as if such suit had been originally commenced in this court, and the same proceedings may then be taken in such case as in the same as shall have been taken in such case in State court prior to its removal. But the plaintiff in such action may, as of course, amend his complaint at all within five days after the time designated by law for the filing of the papers in this court, and in that case the defendant shall have ten days after service of a copy of the amended complaint as in the same case. If the amendment is not so amended within the time so designated, the defendant may, within five days after the expiration of such time, plead to the original complaint, or may, if he has already pleaded to the same in the State court, amend his said pleading, as of course. But this rule shall not be so construed as to authorize the substitution or addition of a new and wholly different cause of action from that transferred from the State court. Whenever the papers in a case removed from a State court have not been filed in this court at the day appointed by law, the party thereafter filing the papers shall give notice thereof to the adverse party, and such adverse party shall, after such notice, have the time allowed in this rule to enter his appearance in this court and plead, or amend his pleading.

**Rule 79. Filing of Transcript on Removal.**—Whenever the proper proceedings have been perfected in a State court to remove a case from such court to this court, pursuant to any statute of the United States, either party may at any time thereafter, as of course, file the transcript required by law in this court, and serve written notice of such filing upon the adverse party or his attorney; and upon filing in this court satisfactory evidence of the service of such notice, the Clerk shall enter the action upon his register, and thenceforth the provisions of Rule 78 of this court shall be applicable thereto; and the same proceedings may be thereafter had as if the transcript had been filed by the party removing the case at the time prescribed by law.

**BANKRUPTCY.**

**Rule 1.**—Checks or warrants drawn pursuant to Number 29 of the General Orders in Bankruptcy, adopted and established by the Supreme Court of the United States, November the 29th, 1898, shall be countersigned by the referee having jurisdiction of the case to which the moneys so drawn against belong. Copies of this rule and of said General Order shall be furnished by the Clerk of this court to each depository within the district.

**Rule 9.** It is Ordered, that the Referees in Bankruptcy of said court be, and are hereby vested with jurisdiction in all bankruptcy cases

within the limits of their respective counties, to perform all the duties conferred on courts of bankruptcy, which Referees may be required or authorized to perform; except as otherwise provided by General Order in Bankruptcy, No. 12.

**Rule 11.** The Clerk shall deliver to the referee a copy of the order of reference, or transmit the same by mail to the referees having their offices outside of the city of Los Angeles, and thereafter all proceedings, except such as are required by the bankruptcy act, to be had before the judge, shall be had before the referee, who shall fix the time when and the place where he will act upon the matters arising in the case.

**Rule 12.** The petition for a discharge, or for a confirmation of a composition, must be filed with the Clerk of the court. There must also be presented therewith a report or certificate of the referee, to whom said case shall have been referred, that the bankrupt has in all things conformed to the requirements of the act, and that he has committed none of the offenses and done none of the things prohibited in *b* of section 14, of the act, and that he is, in the opinion of the referee, entitled to his discharge.

**Rule 13.** The order to show cause why a discharge should not be granted may be entered by the Clerk, or his deputy, and notice, stating the time and place of the hearing, must be given, as provided in section 58, of the act, as amended June 25, 1910, to all known creditors and other persons in interest, by mail, and publication once, at least thirty (30) days prior to said hearing. If no creditor or other party in interest appears and opposes, the discharge shall be granted. In case a creditor or other party in interest desires to oppose the granting of the discharge, he shall appear on the return day, and thereafter file a verified specification of the ground of his opposition, as provided in General Order 32.

#### ADMIRALTY.

**Notice of Seizures and of Time and Place of Hearing.**—The notice of seizures and of the time and place appointed for trial, and of the time assigned for the return of the process and hearing of the cause, required by section 923, R. S., and by Admiralty Rule 9, shall be published three times in some daily or weekly newspaper of general circulation in the city in which said trial or hearing will be had, and the first publication thereof shall be made not less than fourteen days before the day assigned for such trial or hearing, and said notice shall also be posted in a public manner at or near the place of trial or hearing, at least fourteen days prior to the time thereof.

## RULES—SUPREME COURT AND DISTRICT COURTS OF APPEAL—CALIFORNIA

(Adopted January 15, 1913. In effect March 15, 1913.)

**Rule 1. Admission of Attorneys.**—1. Applicants for license to practice as attorneys and counselors will be examined in open Court by the Court authorized by law to sit in that Court and at such regular times as such Court shall fix. The nature of the examination will be based upon the following books: Black's "Criminal Law," Kent's "Commentaries," Greenleaf's "Evidence," 2d ed. volume 1, Story's "Equity Jurisprudence," 11th ed. "Pleading," Lunt's "Equity Pleading," Parsons on "Contracts," Parsons's "Introduction to Municipal Law," Code of Civil Procedure, Civil Code, Constitutions of the United States and of the State of California. Persons applying for admission, whether upon examination or motion, must personally appear in Court at the time the application for admission is made. No applicant will be examined unless there shall have been filed with the Clerk of the Court, before the day on which the application is made, a certificate signed by at least two attorneys of the Court, each of whom shall have been regularly engaged in practice as such attorney for at least four years next theretofore, stating, in substance, that they have, and that each of them has, carefully and diligently examined the applicant touching the qualifications of such applicant in point of learning in the law; that it satisfactorily appeared to them, and to each of them, upon such examination, that the applicant had been engaged in the study of the law for a period of time to be named in the certificate, naming the place at which, and the person under whom, if any, such study had been prosecuted; that the applicant had, during that time, read certain books of law, which books shall be enumerated in the certificate; and stating any other fact tending to show the character of the attainments of the applicant, and also stating that, in their opinion, the applicant possesses the requisite qualifications in point of learning in the law to be entitled to be admitted to practice.

2. *Fee.* The fee for license must in all cases be deposited with the Clerk of such Court before the application is made, to be returned to the applicant in case of rejection.

3. *Rejection.* Applicants must apply for examination to the District Court of Appeal of the Appellate District in which they reside. *Provided*, that a person may make application and be examined and admitted in another Appellate District upon filing with his application a written statement showing good cause therefor, satisfactory to the Court to which he applies, accompanied by the written consent of the Presiding Justice of the Appellate District in which he resides. No person rejected shall be at liberty to renew his application in any Court earlier than six months after such rejection.

**Rule 2. Transcript.**—1. The appellant in a civil action shall within forty days after an appeal is perfected, except as hereinafter stated,

serve and file the transcript of the record, duly certified to be correct by the attorneys of the respective parties, or by the Clerk of the Court from which the appeal is taken. If a proceeding is pending for the settlement of a bill of exceptions or statement which may be used in support of such appeal, the time aforesaid shall not begin to run until the settled and authenticated statement or a bill of exceptions has been filed. When a party appealing from a judgment has given notice of motion for a new trial before perfecting said appeal, the time aforesaid shall not begin to run until the motion for a new trial has been decided, or the proceeding therefor dismissed. If the transcript for use on appeal is prepared under the provisions of section 953a of the Code of Civil Procedure and a notice is filed by the appellant requesting a transcript of the phonographic report, the time for filing the transcript of the record on appeal shall not begin to run until such phonographic report is approved and certified by the judge or until the proceeding to obtain the same has been terminated in the Court below by dismissal or otherwise. An appeal from a judgment and from any order denying a new trial of the issue may in all cases be presented in the same transcript.

2. *Evidence of Service.*—Written evidence of the service upon the adverse party of the transcript shall be filed therewith.

3. *Extension of Time.*—The time above limited may be extended by order, based on stipulation or affidavit, showing good cause therefor.

4. *Briefs.*—Thirty days after the filing of the transcript, the appellant shall file with the Clerk his printed points and authorities, with proof of the service of one copy thereof upon the attorney or attorneys of each respondent who shall have appeared separately in the Superior Court. Within thirty days after the service of appellant's points and authorities, the respondent shall serve and file his printed points and authorities; and within ten days after service of respondent's points the appellant may serve and file a reply.

In criminal cases the appellant shall file his points and authorities (with proof of service of a copy thereof on the Attorney General) within ten days after the filing of the transcript. The Attorney General shall serve and file his points and authorities within ten days after service upon him of the appellant's points, and within five days thereafter the appellant may serve and file a reply. Such points and authorities may be either printed or typewritten.

5. *Extension of Time on Briefs.*—The time above limited for filing points and authorities shall not be extended except by order of the Court upon stipulation of the parties, or an affidavit showing good cause therefor. No brief shall be filed after oral argument except by special order.

6. *Twenty-one Copies of Transcript and Points to be Filed.*—The party wishing to file any printed paper shall prepare the original and twenty copies thereof. If such paper is to be filed in the District Court of Appeal, the original and three copies shall be filed therein, and the remaining seventeen copies shall be simultaneously delivered

to the Clerk of the Supreme Court. If it is to be filed in the Supreme Court, the original must be accompanied by the twenty copies, unless it is an application to the Supreme Court for the hearing of a cause decided by the District Court of Appeal, in which case the party shall deliver to the Clerk of said District Court one copy for each Justice of said Court and file the original and seventeen copies in the Supreme Court. Papers not required to be printed are subject to these provisions if they are, in fact, printed. If not printed, they must be in typewriting, and (except as provided in the next succeeding paragraph) three copies must be filed with the original. A carbon copy must not be used for the original.

In civil cases appealed under the provisions of sections 953a, 953b and 953c of the Code of Civil Procedure, and in criminal cases appealed under the provisions of sections 1246, 1247, 1247a and 1247b of the Penal Code, the record upon appeal shall be prepared and transmitted to the Court to which the appeal is taken, in accordance with said sections; and no further copies of such record shall be required.

When such appeal is taken to the Supreme Court, or has been transferred thereto from a District Court of Appeal, the record shall be kept in the San Francisco office of the Clerk of the Supreme Court.

**7. Disposition of Papers.**—Copies of all printed papers, points and briefs filed in any matter appealed, must be deposited with the Clerk of the Court from which the appeal is taken; and the copies so deposited shall, by said Clerk, be delivered to the Judge who presided at the trial of the cause in the lower court.

**8. Orders Extending Time.**—The Chief Justice is authorized in the name of the Supreme Court to make orders in conformity to the stipulation of the parties, extending time for filing records and briefs; and in other matters of mere routine pending in the Supreme Court. An order indorsed on the stipulation in the following form is sufficient:

"So ordered by the Court. ....C. J."

It is desirable that all stipulations should be expressed in terms as brief as may be consistent with clarity.

The Chief Justice is also authorized in the name of the Court to make orders in State causes extending time to file briefs on application of the Attorney General.

The presiding justices of the three District Courts of Appeal shall have similar authority as to causes pending in their respective courts.

**Rule 3. Indorsement on Transcript.**—There must be indorsed upon the cover of the printed transcript the name of the county from which the appeal is taken, and also the name of the Judge of the Superior Court whose decision is presented for review and the names and addresses of the attorneys representing the parties to the appeal.

**Rule 4. Calendar for Oral Argument.**—Thirty days before the commencement of a regular session the Clerk shall, unless otherwise ordered by the Court, place on the calendar for oral argument all cases which have been continued for such argument, and also, in the order

in which the transcripts were filed, all cases in which points and authorities are on file, and also all motions and original proceedings pending and not under submission. Cases in *certiorari* shall, after the record is brought up by the return, be subject to the same rules with respect to argument and submission as cases on appeal.

**Rule 5. Dismissal of Appeal.**—1. If the transcript of the record or appellant's points and authorities be not filed within the time prescribed, the appeal may be dismissed on motion, upon notice given. If the transcript, or the points and authorities, though not filed within the time prescribed, be on file at the time such notice is given, that fact shall be sufficient answer to the motion. If the respondent shall not file his points and authorities within the time allowed therefor, the cause may be submitted for decision upon the motion of the appellant, on notice thereof to the respondent.

2. If an appeal is attempted to be taken after the time limited by law, and papers are filed, either in the trial Court or in an Appellate Court, in pursuance of such attempt, such purported appeal may be dismissed on motion of respondent, supported by certificate of affidavits, or both, as provided in Rule 6.

**Rule 6. Certificate of Clerk on Motion to Dismiss.**—1. On motion to dismiss an appeal for a failure to file the transcript within the prescribed time, there shall be presented the certificate of the Clerk below, under the seal of the Court, certifying the amount or character of the judgment or order appealed from, the date of its rendition, the fact and date of the filing of the notice of appeal, together with the fact and date of service thereof on the adverse party, and the character of the evidence by which said service appears; the fact and date of filing an undertaking on appeal and that the same is in due form; the fact and time of the settlement of the bill of exceptions, or statement on appeal or reporter's transcript prepared under section 953a of the Code of Civil Procedure, if there be any the names of the attorneys of the respective parties; and also that the appellant has received a duly certified transcript, or that he has not requested the clerk to certify to a correct transcript of the record, or, if he has made such a request, that he has not paid the fees therefor, if the same have been demanded.

2. *Affidavits.*—On motion to dismiss the appeal on any other ground than the failure to file transcript within the prescribed time, the moving papers shall consist of the certificate of the Clerk of the Court below, as to any of the matters above mentioned, or of affidavits, or both such certificate and affidavits.

3. *Service of Moving Papers.*—Copies of the moving papers, except the transcript, shall be served with notice of the motion.

**Rule 7. Form of Transcript.**—1. All transcripts of record, except in criminal cases and civil cases coming under the provisions of section 953a of the Code of Civil Procedure shall be printed on unruled white writing paper, ten inches long by seven inches wide, with a margin

on the outer edge not less than two inches wide. The printed pages, exclusive of any marginal note or reference shall be seven inches long and three and one-half inches wide. The folios, embracing ten lines each, shall be numbered from the commencement to the end, and the numbering of the folio shall be printed on the left margin of the page. Small pica, solid, is the smallest letter and most compact mode of composition allowed.

2. Transcripts on appeal in civil cases, prepared under section 953a of the Code of Civil Procedure, and the papers and transcript of the proceedings required to be sent to the Appellate Court in criminal cases, must be typewritten and the paper and the backs for binding the same must not exceed ten inches in length and eight inches in width. The leaves must be bound together on the left-hand side in volumes of convenient size. The papers required to be sent by the Clerk under section 1246 of the Penal Code, and, in civil cases under section 953a, the papers constituting the ordinary judgment-roll, are here designated as the "Clerk's Transcript," and the certified transcriptions of the phonographic reporter's notes required by section 1247a of the Penal Code, and by section 953a in civil cases are here designated as the "Reporter's Transcript." The respective papers in the Clerk's Transcript must be placed in chronological order, and if it is bound with the Reporter's Transcript, it must come first in order. The pages of the Clerk's Transcript and those of the Reporter's Transcript must be numbered separately by consecutive numbers. The lines of each page must be numbered separately and consecutively. An index of each transcript must be inserted in the beginning thereof, referring to each document and to the page beginning the examination, cross-examination, redirect, and recall of each witness.

**Rule 8. Index and Arrangement of Transcript.**—The pleadings, proceedings, and statement shall be chronologically arranged in the transcript, and each transcript shall be prefaced with an alphabetical index, specifying the page of each separate paper, order, or proceeding, and of the testimony of each witness; and the transcript shall have at least one blank flysheet cover. The chronological arrangement of the several parts of the transcript, and a strict compliance with the other requirements of this rule will be exacted of the appellant or party filing the record in all cases, whether objection by the opposite party be made or not; and for any failure or neglect in these respects, which is found to obstruct the examination of the record, the appeal may be dismissed.

**Rule 9. Maps.**—Whenever a map or survey or photograph forms a part of the transcript, it shall not be necessary to furnish more than one copy thereof, which shall be annexed to the transcript filed with and certified by the Clerk, and reference thereto shall be made in the other copies.

**Rule 10. Penalty for Nonconformity With Rules.**—No transcript, or other paper or document, which fails to conform to the requirements of these rules shall be filed by the Clerk.



**Rule 11. Transcript, Service and Certificate.**—Before the printed transcript is filed, a copy thereof shall be served upon the adverse party, and if there be more than one adverse party appearing by different attorneys, upon the attorney of each party so appearing. If a party shall present to the attorney of the adverse party a transcript on appeal, in a civil cause, and request his certificate that the same is correct, and said attorney, upon such request, shall, for a period of five days, neglect or refuse to join in such certificate, or, if deemed incorrect, shall neglect or refuse, for the same time, to serve upon the party making the request a written statement of the particulars in which the transcript is incorrect, or, upon the presentation of the transcript corrected in the particulars thus specified, shall still neglect or refuse for a period of two days to join in such certificate, the costs of procuring the certificate to such transcript from the Clerk of the proper Court shall be taxed against the party whose attorney so neglects or refuses.

**Rule 12. Clerk may Print Transcripts and Certify to Same.**—1. The written transcript, in civil causes, authenticated in the mode prescribed by Rule 11, together with sufficient funds to pay the expenses of printing the same, may be transmitted to the Clerk of the Court to which the appeal is taken. The Clerk, upon the receipt thereof, shall file the same and cause the transcript to be printed, and to a printed copy shall annex his certificate that the said printed transcript is a full and correct copy of the transcript furnished to him by the party; and said certificate shall be *prima facie* evidence that the same is correct. The said printed copy so certified shall also be filed, and constitute the record of the cause in said Court, subject to be corrected by reference to the written transcript on file. Printed copies thereof shall be furnished, as provided in Rule 2; and the Clerk shall also immediately transmit, by mail or express, copies to the attorneys of the adverse parties, and note such service on the original.

2. *Points Where Clerk Prints Record.*—The time for filing points and authorities, in cases where the record is printed by the Clerk, shall commence to run from the filing of the printed copy of the transcript.

**Rule 13. Cost of Printing.**—The expense of printing transcripts on appeal in civil causes and pleadings, affidavits, or other papers constituting the record in original proceedings upon which the case is heard, required by these rules to be printed, shall be allowed as costs, and taxed in bills of costs in the usual mode.

**Rule 14. Suggestion of Diminution of Record.**—For the purpose of correcting any error or defect in the transcript, either party may suggest the same in writing, and upon good cause shown, obtain an order that the proper Clerk certify to the Court in which the case is then pending, the whole or part of the record, as may be required, or may produce the same duly certified without such order. If the attorney or counsel of the adverse party be absent, or the fact of the alleged error or defect be disputed, the suggestion, except when a certified

copy of the omitted record is produced at the time, must be accompanied by an affidavit showing the existence of the error or defect alleged.

**Rule 15. Exceptions to Transcript.**—Exceptions or objections to the transcript, statement, the bond or undertaking on appeal, the notice of appeal, or to its service, or any technical exception or objection to the record in civil cases, affecting the right of the appellant to be heard on the points of error assigned, which might be cured on suggestion of diminution of the record, must be taken and notified to the appellant, in writing, at least five days before the hearing, or they will not be regarded; and when so noted, it shall be the duty of the appellant to present and file at the hearing of the cause such additional record, certificate, or other matter, if such there be, to remove or answer the objection or exception so taken; otherwise such objection or exception, if well taken, shall prevail.

**Rule 16. Suggestion of Death of Party.**—Upon the death, or other disability, of a party, pending an appeal, his representative shall be substituted in the suit, by proper proceedings for that purpose in the trial Court. Upon suggestion thereof and the presentation of a certified copy of the order of substitution made by the trial Court, a like order of substitution will be made in the Court in which the case is pending on appeal, and the cause shall proceed as in other cases.

**Rule 17. Calendar.**—Criminal causes shall be placed at the head of the calendar, and shall be followed by such other causes as are preferred by law. Other causes shall be arranged on the calendar of the respective courts, as the Chief Justice of the Supreme Court, or the Presiding Justice of the District Court of Appeal, respectively, may direct.

**Rule 18. Printing of Points, etc.**—In all cases where a paper or document is required by these rules to be printed, it shall be printed upon similar paper and in the same style and form (except the numbering of the folios in the margin), as is prescribed for the printing of transcripts.

**Rule 19. Oral Argument.**—No more than one counsel upon a side will be heard upon the oral argument, except when otherwise ordered; but each defendant, or intervener, who appeared separately in the Court below may be heard through his own counsel, unless the Court otherwise order. The counsel for each party shall be allowed only one hour, unless an extension of time is ordered before the argument begins.

**Rule 20. Regular Sessions—Motions—Time of Notice.**—1. For the purpose of hearing motions of which notice is required to be given, the Supreme Court will be in session at San Francisco on the first Monday of each month at 10 o'clock A. M., except when the regular sessions at Sacramento and Los Angeles are held during the week beginning on that day. Motions may also be presented and submitted on the first day of each regular session of said Court at Sacramento and Los Angeles.

2. Each District Court of Appeal shall be in session for the hearing of causes at such times and for such periods as such Court may, by order, direct. Each of said Courts shall, by general order, provide for a regular session for said purpose to be held at least once in each quarter. For the purpose of hearing motions, each District Court of Appeal shall be in session on the fourth Monday in each month at 10 o'clock A. M.

3. In all cases where notice of a motion is necessary, unless for good cause shown the time is shortened by the Court or by the Chief Justice or Presiding Justice thereof, the notice shall be ten days.

**Rule 21. Opinion Transmitted With Remittitur.**—When a case on appeal or *certiorari* is finally decided, a certified copy of the opinion in the case shall be transmitted with the *remittitur*, to the Court below, or to the tribunal whose record is reviewed.

**Rule 22. Copy for Service in Habeas Corpus.**—Any person applying for a writ of *habeas corpus* shall furnish with the petition a copy thereof for service upon the party to whom the writ shall be addressed. Such copy shall be delivered to the officer with the writ for service, and shall be by him delivered to the party on whom service is made, with the writ.

**Rule 23. Costs.**—In civil cases the Clerk shall not be required to remit the final papers until the costs are paid. In all cases in which the judgment or order appealed from is reversed or modified, and the order of reversal or modification contains no directions as to the costs of appeal, the Clerk will enter upon the record, and insert in the *remittitur*, a judgment that the appellant recover the costs of appeal.

**Rule 24. Dismissal of Appeal on Stipulation.**—An appeal or writ of error may be dismissed at any time, upon and in accordance with the written stipulation of the attorneys of record of the respective parties. Such stipulation shall be accompanied by a certificate of the Clerk of the Court below, showing the names of attorneys of the respective parties and the date and character of the judgment or order appealed from. Upon and in accordance with such stipulation, and upon order of the Court, the Clerk shall enter such dismissal, and the *remittitur* shall issue thereon in accordance with the terms of such stipulation.

**Rule 25. Inspection of Original Papers.**—When the inspection of an original paper, which was offered in evidence in the Court below, is shown to be necessary to a correct decision of the appeal, the Court may order the Clerk of the Court below to transmit such original paper, if in his possession, to the Clerk of the Court; and if such paper be in the possession of a party to the action, he may produce the same on the hearing of the cause, or he may, upon motion and notice of the adverse party, be required to produce such paper on the hearing of the cause; and in default thereof, the Court will intend the paper to be, in all respects, as alleged by the opposite party.

**Rule 26. Reasons for Original Application to the Court to be Stated.**—1. When any application is made to the Supreme Court, or

to a District Court of Appeal, for a writ of *mandamus*, *certiorari*, *prohibition*, *procedendo*, or for any prerogative writ to be issued in the exercise of its original jurisdiction, and such application might have been lawfully made to a lower Court in the first instance, the affidavit or petition, in addition to the necessary matter requisite by the rules of law to support the application, shall also set forth the circumstances which, in the opinion of the applicant, render it proper that the writ should issue originally from the Appellate Court to which such application is made, and not from such lower Court. The sufficiency or insufficiency of such circumstances, so set forth in that behalf will be determined by the Court in awarding or refusing the application. In case any Court, Judge, or other officer, or any board, or other tribunal in the discharge of duties of a public character, be named in the application as respondent, the affidavit or petition shall also disclose the name or names of the real party or parties, if any, in interest, or whose interest would be directly affected by the proceedings.

2. *Memorandum of Authorities*.—All *ex parte* applications for the issuance of writs in the exercise of original jurisdiction shall be typewritten or printed, and filed with the Clerk of the Court to which such application is made, and the same shall be accompanied by a memorandum of points and authorities in support of the application.

3. *Return and Issuance of Writ*.—Upon the return day of the alternative writ, the respondent may make return, either by demurrer or by answer, or by both. If the return be by demurrer alone and the demurrer is not sustained, the writ will be ordered to issue without leave to answer over.

4. *Stay of Proceedings*.—When an application is made for an alternative writ, an order staying the proceedings of any Court or officer, until the return of the writ, will not be made unless due notice of the application for the writ shall have been given to all the parties interested in the proceedings.

**Rule 27. Settlement of Bills of Exceptions on Death of Judge.**—When the Judge before whom an action was tried is dead, or has been removed from office, or resigns, any unsettled bill of exceptions, or statement on motion for new trial therein, may be settled and certified by his successor in office; or, if he be disqualified, by a Judge of the same or an adjoining county. And when the Judge before whom an action was tried becomes disqualified, or is absent from the State, such bill of exceptions or statement may be settled and certified before a Judge of the same or an adjoining county.

**Rule 28. Rehearings and Opinions.**—1. All orders of the Supreme Court granting rehearings, or for hearing in bank causes decided in Departments, or for hearing in the Supreme Court after decision in a District Court of Appeal, shall be signed by the members of the Court assenting thereto, and filed with the Clerk.

2. *Opinions Within Ninety Days After Submission*.—Every opinion of the Supreme Court which shall have received the assent of a suffi-

cient number of the members of the Court to order the judgment therein directed, shall be filed within ninety days after the submission of the cause in which such opinion is written.

3. *Filing of Opinions.*—Opinions of the Supreme Court will be kept in the office of the Clerk in San Francisco. If the opinion is in a case submitted in another District, a certified copy thereof shall immediately be transmitted to the Clerk's office of such District, and there kept on file.

**Rule 29. Authentication of Papers.**—In all cases of appeal from the orders of the Superior Courts, the papers and evidence used or taken on the hearing of the motion must be authenticated by incorporating the same in a bill of exceptions, except where another mode of authentication is provided by law.

**Rule 30. Applications for Rehearing.**—1. Applications for a rehearing of a cause by the Court rendering the judgment therein must be filed and a copy served on the adverse party, within twenty days after the judgment is pronounced. The adverse party may file an answer thereto not less than two days before the expiration of the time within which the rehearing can be granted.

2. The submission of a cause to a Department of the Supreme Court without oral argument shall be deemed to be a waiver of an oral argument of the same in bank, if for any reason the same is thereafter ordered to be heard in bank; and when the order that the cause be heard in bank is made, the same shall be at once submitted for decision, unless otherwise ordered by the Court.

3. Applications after a judgment of a District Court of Appeal has become final, for an order that the cause be heard and determined by the Supreme Court, must be accompanied by a copy of the opinion of the District Court of Appeal, showing the date of the filing thereof, and must be filed and a copy served on the adverse party, within ten days after the judgment of the District Court of Appeal has become final therein. The adverse party may file an answer thereto not less than ten days before the time for making such order for hearing in the Supreme Court will expire.

4. The time herein prescribed shall not be extended, and the Clerk must not file any such application or answer after the time therefor has expired. In civil cases such applications and answers must be printed.

**Rule 31. Applications for the Transfer of Causes.**—Applications, before judgment, to have a cause pending in a Department of the Supreme Court heard in bank, or to transfer a cause from the Supreme Court to a District Court of Appeal, or from a District Court of Appeal to the Supreme Court, or to another District Court of Appeal, must set forth briefly the questions involved in the cause and the reasons why it should be heard by the Court in bank, or transferred as requested, and must be made before the submission of the cause in the Court in which it is pending.

**Rule 32. Transfer of Appeals not Taken to the Proper Court.**—When a District Court of Appeal decides that the appeal should have been taken to another District Court of Appeal or to the Supreme Court, it shall make an order to that effect, and the Clerk of such Court shall immediately transmit to such other Court all papers in the cause on file in his office, including the opinion of the Court upon which such order was made, and thereupon such cause shall be deemed to be duly transferred to the proper Court, according to such order, without further proceeding.

**Rule 33. Transfer of Causes, Records and Papers.**—1. When the Judges of a District Court of Appeal fail to agree on a judgment in any cause, and their opinions have been forwarded to the Supreme Court, thereupon, of its own motion, or upon suggestion of either party in open Court or in Chambers, the Supreme Court will order such cause transferred to the Supreme Court, or to another District Court of Appeal, to be there heard and determined. The order may be made by the Chief Justice, in the name of the Court.

2. When a cause is transferred to the Supreme Court, or to a District Court of Appeal, for any cause except that it was appealed to the wrong Court, the Clerk of the Supreme Court must immediately send a certified copy of the order to the Court in which the cause was pending, unless it was pending in the Supreme Court. If it is transferred from the Supreme Court, the Clerk must immediately send to the Court to which it is transferred all the written papers, all exhibits, and the original and three copies of all printed papers on file in such cause in his office, and must preserve the remaining printed copies for subsequent disposition. If it is transferred from one District Court of Appeal to another, or to the Supreme Court, the Clerk of the Court from which it is transferred must, on receipt of a copy of the order of transfer, send to the Court to which it is transferred all papers and records on file in said cause in his office, if the order is made before judgment; if such order is made after judgment he must send all written papers and the original of all printed papers.

The Clerk of the Supreme Court must also send to the Court to which the cause is transferred, if it is a District Court of Appeal, a certified copy of the order of transfer, and if the order is made upon a failure to agree upon a judgment, the opinions of the Judges, which have been forwarded to the Supreme Court.

**Rule 34. Remittiturs and Disposition of Copies.**—1. When a judgment of a District Court of Appeal becomes final therein, the *remittitur* shall not be issued until after the lapse of thirty days thereafter, unless otherwise ordered.

2. At the expiration of said thirty days, if no order for hearing has been made by the Supreme Court, the Clerk of the District Court of Appeal shall forthwith send to the Secretary of the Supreme Court, a copy of the opinion of the District Court of Appeal upon which such final judgment was given.

3. Thereupon the seventeen copies of the printed papers in such cause which are, in accordance with these rules, in the custody of the Supreme Court, shall be distributed as required by law and as ordered by said Court.

4. When a judgment of the Supreme Court, in a cause filed after these rules take effect, has become final, seventeen copies of the printed papers must be distributed as provided in subdivision 3 hereof.

5. When a cause, pending at the time these rules take effect, is, or has been, transferred to a District Court of Appeal for decision, there shall be sent to such District Court of Appeal all the written papers on file and the original and three copies only of the printed papers on file. If such cause is thereafter ordered to the Supreme Court or to another District Court of Appeal, all of said papers shall be transmitted to the Court to which the cause is transferred.

**Rule 35. Service on Attorney General Where State or County is Interested.**—In all criminal cases, and in all other cases where the State or any officer thereof in his official capacity is a party, and in all cases to which any county may be a party, unless the interest of the county is adverse to the State or to some officer thereof acting in his official capacity, no transcript on appeal or brief on behalf of the State or of such county or officer whom the Attorney General is empowered to represent, shall be received or filed without proof of the service of such transcript or brief upon the Attorney General. On such transcript or brief there shall not be printed the name of any person as attorney for the State or for such county or officer of the State, other than the name of the Attorney General, without an order of the Court or the written consent of the Attorney General first obtained.

**Rule 36. Bills of Exceptions in Criminal Cases.**—1. When a party in a criminal case desires to have a ruling therein reviewed on appeal, and no statutory method is provided for making such ruling a part of the record, he may present to the Judge who made the ruling, or his successor, a bill of exceptions, exhibiting such ruling and the necessary explanations, after serving a copy thereof on the adverse party. The adverse party may present to such Judge amendments thereto, after serving the same on the other party. The bill may be presented within thirty days after the ruling and amendments thereto within ten days after service of the proposed bill. The bill must thereupon be settled by the Judge, upon three days' notice to the parties, within sixty days after the ruling complained of, and when so settled it shall become a part of the record on appeal in such case. The Judge may, for good cause, shorten the respective periods hereby fixed.

2. Upon appeal, copies of such bill of exceptions shall, if requested by the appellant, be forwarded to the proper Appellate Court, as in case of other papers constituting the record on appeal.

**Rule 37. Transcript on Hearing in Supreme Court After Decision by District Court of Appeal.**—When a petition is filed in the Supreme Court for hearing of a cause decided by a District Court of Appeal.

It shall be the duty of the clerk of the Court to see that the records of the Court are preserved in sections, books, maps and plans, in the form of Civil Proceedings, or in a criminal case, the clerk of the Supreme Court shall immediately send notice that such record has been filed to the Clerk of the District Court of appeal in which the case was heard, and shall forthwith transmit to the Clerk of the Supreme Court the transcript of the record filed in such case. If the record is not received the Clerk of the Supreme Court shall require such transcript to be filed in the proper District Court of appeal. If it is received such transcript shall be filed by the Clerk of the Supreme Court.

Enacted that the above rules shall be and the same are hereby adopted as the rules for the government of the Supreme Court and District Courts of appeal of the State of California and for the regulation of judicial practice, and that they take effect on the eighteenth day of March, A. D. 1927, and that throughout the Rules heretofore made be amended.

WITNESSETH:

W. H. BEATTY, Chief Justice.  
F. M. ANGELLOTTI, Justice.  
LEWIS SHAW, Justice.  
W. C. MORGAN, Justice.  
HENRY A. MELVIN, Justice.  
M. C. SLOSS, Justice.  
F. W. HENSHAW, Justice.

ARTHUR B. GRANT, Teller, Clerk.

## **RULES OF PRACTICE—SUPERIOR COURT—SAN FRANCISCO.**

### **GENERAL.**

**Rule 1. Departments.**—The Superior Court will ordinarily hold as many sessions at the same time as there are Judges of the Court; and for such purpose, and for the purpose of a more convenient classification and distribution of business, said Court is hereby divided into twelve Departments, numbered from one to twelve, inclusive.

The presiding Judge shall from time to time designate certain departments of the Court for the hearing and disposition of criminal cases and proceedings, and shall designate one or more departments for matters of probate and guardianship, to which such matters in the first instance shall be assigned.

All other Departments shall transact the general civil business of the Court, including such cases originally assigned to the probate Department as may be reassigned or transferred by the presiding Judge.

**Rule 2. Assignment and Transfer of Civil Cases.**—All civil actions, matters and proceedings, except probate and guardianship matters, shall be assigned equally as may be among the several general civil Departments by the presiding Judge. Whenever the proper dispatch



RULES—SUPERIOR COURT OF SAN FRANCISCO.

of business shall so require, any case, if ready for trial, on request of the Judge before whom it is pending, be transferred to another Department by the presiding Judge.

**Rule 3. Drawing of Grand Jurors.**—It shall be the duty of the presiding Judge to preside in person over the drawing and impaneling of all Grand Juries required by law or by the public interest to be drawn.

Grand Jurors must in all cases be drawn from the list of Jurors selected by the Judges of this Court, unless the Grand Jury containing the names of jurors so selected shall be exhausted in securing a Grand Jury.

**Rule 4. Motions—Where Made.**—All motions connected with a case, whether *ex parte* or on notice, if made in open Court, or made in the Department to which the case has been assigned, or made at Chambers, all motions must be made to the Judge of the Department to which the case has been assigned, except in cases of absence or inability to act; and in such case the reason for the failure to appear to any other Judge must be shown.

No motion or argument will be heard or entertained unless made by a duly licensed attorney of this Court.

**Rule 5. Law and Motion Days—Ex Parte Motions.**—On each week shall be set apart by order of each Department to be known as "Law and Motion Day." The Law and Motion Calendar shall contain all actions in which an issue of law is pending, motions for trial and motions for judgments on the pleadings, on agreed facts, or upon the findings of the Court or the report of a jury; also, all contested motions of which notice has been given to the Clerk on or before noon of the preceding day.

*Ex parte* motions will be in order each day at the beginning of the day but not afterward while the Court is engaged in the trial of a case or the hearing of an argument.

**Rule 6. Notice of Motion—Service of Papers.**—Where required by or by these rules, notice of motion is required to be given. All papers to be used by the moving parties (except pleadings and records of Court) shall be served with the notice of motion. Copies of all counter-affidavits must be served before the motion is heard. The notice of motion shall specify the papers to be used by the moving party and the grounds of the motion. An order to show cause shall be deemed a notice of motion within the meaning of these rules.

**Rule 7. Application for an Order Refused.**—When an application for an order has been made to a Judge or to the Court, and the order is refused in whole or in part, or granted conditionally or on terms, and a subsequent application upon an alleged different state of facts is made, it shall be shown by affidavit what application was before, when and to what Judge, what order or decision was made, and what new facts are claimed to be shown; and, for the purpose of complying with this requirement, any order made on such subsequent application may be revoked or set aside.

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**Rule 8. Manner of Making Motions.**—The manner of making motions shall be as follows:

1. The moving party shall read the moving papers, or state the contents thereof. 2. The party opposing shall then read or state the contents of his opposing papers. 3. The counsel for the moving party shall then make his argument, to be followed by the counsel of the opposing party; and the counsel for the moving party may, in the discretion of the Court, reply.

Not more than twenty minutes shall be allowed counsel on each side for argument of a demurrer or motion, except on motions for a new trial. The time may be extended in the discretion of the Court upon application before the commencement of the argument.

**Rule 9. Indorsements.**—Upon the hearing of any motion, the affidavits used by either party shall be indorsed by the Clerk, "Used on the hearing," and filed.

**Rule 10. Order of Publication of Summons to be Filed.**—Whenever an order of publication of summons is made, the order must be filed with the Clerk, within twenty-four hours after the same is made, and the publication of the summons under any such order must be commenced within thirty days from the date of the order. Failure to publish within the time specified in this order shall *ipso facto* vacate the order.

**Rule 11. Requisites of Cost Bill and of Objections Thereto.**—A memorandum of costs, filed under the provisions of Section 1033, Code of Civil Procedure, must particularly specify the items of disbursements claimed; and, where witness fees are included, the names of the witnesses must be set forth, with dates of attendance on the Court.

A notice of motion to retax costs must specify the items in the costs bill objected to and the grounds of objection thereto.

**Rule 12. Motion to Strike Out.**—The party moving to strike out any portion of a pleading shall, in the notice of motion, distinctly specify the page and lines, or parts of lines, asked to be stricken out; and such notice of motion must be served and filed within the statutory time to plead. And the pendency of a motion to strike out any portion of a pleading shall not enlarge the time to answer or demur without an order of the Court or a Judge thereof.

**Rule 13. Requirements as to Documents for Filing—Indorsements.** All pleadings, petitions, statements and bills of exceptions, before being filed or served, shall be paged and lines numbered, and in all cases of more than one distinct cause of action, defense or counterclaim, the same shall not only be separately stated, but plainly numbered. All documents and pleadings intended for the files of the Court shall be on white writing paper or legal cap, of good quality, and without interlineations unless noted by the Clerk at the time of filing; and all matter shall be printed or written only on one side of the paper. All copies served shall correspond with the original in paging and lines. The office address by street and number of the attorney

appearing for a party filing any complaint, answer or demurrer, or notice of special appearance, must be indorsed upon such pleading or notice, if such attorney have an office in this city and county; otherwise, the name and place of residence of such attorney must be, in like manner, indorsed upon such pleading or notice.

The character of the action shall be indorsed upon all complaints.

**Rule 14. Extension of Time.**—No order extending the time within which any act is required by law to be done shall be made which, by its terms or in connection with any other order or orders or any stipulation, shall operate to extend such time more than thirty days beyond the time given by law.

In case the time, within which any act is required by law to be done, is extended by stipulation, no extension of time shall afterward be granted by the Court or a Judge, which when added to the time already given by stipulation shall exceed thirty days; and the order shall correctly show upon its face the extensions of time previously given. Every such order shall be filed and served before 10 o'clock A. M. on the next judicial day.

No extension of time exceeding two days shall be allowed by any Judge of this Court in cases pending in a department of the Court other than his own. Only one extension of time shall be thus granted, and any second application for time must be made either to the Judge in whose Department the case is pending, or in case of his sickness or absence, to the presiding Judge, and good cause therefor must be shown.

Orders extending time for making or serving notice of a motion must specify the motion intended.

When by order of the Court or by stipulation the time to plead has been extended ten days, no additional time exceeding two days shall be granted, except to answer.

When a demurrer to a complaint is overruled, the time allowed for answering shall not exceed ten days, except upon showing good cause for granting further time.

**Rule 15. Application to Amend Pleadings.**—In cases where the right to amend any pleading is not of course, the party desiring to amend (except when the application is made during the trial of a cause) shall serve, with the notice of application to amend, a copy of the pleading, with the amendment incorporated therein, or a copy of the proposed amendment, referring to the page and line of the pleading where it is desired that the amendment be inserted; and, if the pleadings were verified, shall verify such amended pleading or such proposed amendment before the application shall be heard.

**Rule 16. Substitution of Party in Case of Death or Other Disability.**—Upon the written suggestion of the death or other disability of a party to any pending action, by his legal representative or by any party to the action, an order shall be made substituting such representative on the record.

A copy of said order shall be served on all parties to the action before any further proceedings are had thereon.

**Rule 17. Jury in Equity Cases.—**When in equity cases and in all other cases where the right to a jury trial is not guaranteed by the law, if either party shall desire a jury trial, such party shall, after issue joined, give notice of a motion to be made upon the questions that the whole issue, or any specified questions or facts involved therein, be tried by a jury.

With the notice of motion shall be served a copy of the questions of fact proposed to be submitted to the jury for trial, and in proper form to be incorporated in the order settling the issues to be tried by a jury.

No suit or matter in equity, or other suit or matter in which the right to a trial by jury is not guaranteed by law, will be tried by a jury, unless the issues in such cause or matter have been settled as required by this rule.

**Rule 18. Setting Causes for Trial.—**The Court may specially set causes for trial upon the written stipulation of the parties, or stipulation made in open court, or upon application of either party after two days' notice to the other party.

**Rule 19. Jury Fees.—**Each party to the action not waiving a jury shall, at such time as may be by the Court directed, deposit jury fees with the sheriff. The jurors shall be paid out of the moneys deposited, except where the amount recovered is less than three hundred dollars. If, in any trial in a civil action, a jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the party not waiving a jury, but may be recovered as costs if such party afterward obtains a judgment. Any party or parties waiving a jury in the manner provided by law shall not be required to deposit jury fees as herein provided. (In effect July 1, 1908.)

**Rule 20. Proposed Instructions to Juries.—**(a) Instructions requested by any party must be presented to the Court before the introduction of evidence. In the exercise of a sound discretion, however, the Court may, up to the time that the argument commences, grant an application for permission to present additional proposed instructions.

(b) Each proposed instruction shall be typewritten on legal cap sheets of blank paper of uniform size.

(c) One sheet shall contain the title of the Court and cause, with the designation "Proposed Instructions to the Jury" filled in, and be signed by the counsel.

(d) The sheets shall not be numbered by the parties.

(e) The proposed instructions shall not be numbered by the parties.

(f) Each proposed instruction shall begin at the top of a sheet.

(g) Each proposed instruction must relate to one subject only.

(h) The sheets shall be placed in a cover, properly indexed, and secured by a temporary fastening. And

(i) The proposed instructions shall be handed to the Judge personally, and thereupon a copy thereof delivered to the other party or parties to the action or proceeding.

(j) All instructions to juries will be settled between Court and counsel before argument to jury begins.

**Rule 21. Agreements Between Parties or Their Attorneys.**—No agreement or consent between the parties or their attorneys, in respect to the proceedings in a cause, the purport of which is disputed or denied, will be regarded by the Court, unless the same shall have been made or assented to in open Court and entered in the minutes, or unless the evidence thereof shall be in writing, subscribed to by the party against whom the same may be alleged, or by his attorney.

**Rule 22. Order of Examination of Witnesses and Summing Up on Trial of Issues of Fact.**—On trial of issues of fact only one counsel on each side shall examine or cross-examine a witness, unless the Court shall otherwise direct.

The party having the affirmative shall be entitled to begin, and shall, before introducing his testimony, open his case by stating generally what he expects to prove. The other party may then state what he expects to prove. After the testimony is closed, the party holding the affirmative may address the jury, and shall, if desired by the opposite party, read and refer to his authorities and state his points; the party holding the negative of the issue may then sum up his case, and the party holding the affirmative may close.

Not more than one hour on each side will be allowed for the argument of a cause, unless the Court shall otherwise order.

**Rule 23. When Counsel not to Argue or Sum Up to the Jury.**—If the attorney or counsel of either party offers himself as a witness on behalf of his client, and gives evidence on the merits, on the trial, he shall not argue the case or sum it up to the jury, unless by consent of the opposite party or permission of the Court.

**Rule 24. Counsel to Furnish Form of Decree and of Proposed Findings.**—The counsel obtaining any order, judgment or decree shall be required to furnish the form of the same.

Immediately on the termination of the trial of a case before the Court, or earlier if directed by the Court, the respective parties shall furnish the Court with the form of proposed findings of facts.

**Rule 25. Order Staying Proceedings to be Served.**—Any order to stay proceedings shall be served within forty-eight hours from the time when made, or the same shall become inoperative, unless the Judge making the order shall otherwise direct.

**Rule 26. Writ of Attachment—How Issued.**—The Clerk shall indorse upon every affidavit and undertaking filed to procure a writ of attachment, pursuant to the Code of Civil Procedure, the hour and minute of the day such affidavit and undertaking are filed, and the writ shall be issued thereon according to such indorsement.

**Rule 27. Undertaking on Attachment.**—The undertaking required before issuing a writ of attachment, in any action, shall be in an amount equal to at least one-half of the amount claimed by the complaint, but it may be increased or diminished by the Court, upon proper notice, for cause shown.

**Rule 28. Filing of Order and Affidavit of Arrest.**—The Sheriff shall file with the Clerk a return containing copies of the affidavit and order on which any arrest is made, within ten days after the arrest.

**Rule 29. Divorce Proceedings.**—In all cases of divorce, the attorney appearing for a defendant not personally served within the jurisdiction shall file with the Clerk satisfactory evidence to the Court of his authority to act for such defendant.

In cases of default, when the case is referred to a Referee or Commissioner to take the testimony, the Referee or Commissioner shall cross-examine the witnesses fully, and report such cross-examination in full.

**Rule 30. Testimony in Divorce Cases.**—No officer of the Court with whom the proceedings in an action of divorce are filed, or before whom the testimony is taken, nor any clerk of such office, either before or after the termination of the suit, shall permit a copy of any of the testimony, or of the substance thereof, to be taken or to be inspected or read by any person other than a party, or the attorney or counsel of a party, who has appeared in the case, without a special order of the Court.

**Rule 31. Cancellation of Instruments by Clerk.**—In all cases in which a judgment is entered upon a written instrument, the Clerk shall, at the time of entering judgment, note over his official signature, across the face of the instrument the fact of the entry of the judgment and its date, with the name of the Court, and return the instrument to the party in whose favor judgment is rendered.

**Rule 32. Guardian of Infant Defendant.**—Every attorney of the Court shall act as guardian of an infant defendant whenever appointed for that purpose by an order of the Court. He shall examine into the circumstances of the case so far as to enable him to make the proper defense, and shall be entitled to such compensation as the Court may deem reasonable.

**Rule 33. Referee, Commissioner, or Bond of Guardian ad Litem.**—No Referee, Commissioner, or guardian *ad litem* shall receive any money or property, unless the order of his appointment specifically confers upon him power to receive such money or property; and no order shall be made in any case conferring such power until he has given security by bond conditioned for the faithful discharge of the duties of his trust, in double the amount of such property or money, with two sureties, who shall justify as in other cases. Said bond shall be approved by the Judge of the Court before whom the cause is pending, or the presiding Judge, and filed with the Clerk.

RULES—SUPERIOR COURT OF SAN FRANCISCO.

In default of such bond, all such money shall be deposited with the Clerk of the Court, and shall be by said Clerk deposited with the County Treasurer as in other cases.

**Rule 34. Termination of Life Estate or Homestead.**—For the purpose of procedure in actions in disposition of homesteads, under the provisions of 1723, C. C. P., see Probate Rule 19.

**Rule 35. Commissions and Interrogatories.**—The party desiring to issue a commission shall, within five days after the order for the commission, present the direct interrogatories desired to be propounded to the Judge for settlement and allowance, and shall give notice of such presentation two days prior thereto, naming the day, hour and place where the same will be presented; and if the opposite party desires to have cross-interrogatories propounded, he shall prepare the same and notice the same, upon a notice of opposition, for settlement within five days after the direct interrogatories have been settled and allowed.

If notice of the settlement of cross-interrogatories shall not be given as aforesaid, the right to join in the commission shall be waived.

**Rule 36. Stipulation Concerning Rules.**—Parties may stipulate to waive any right secured to them by these rules except as otherwise provided, but such rules as are prescribed to facilitate the convenient dispatch of the court's business cannot be subject to such stipulation.

Rule No. 33, providing for the giving of security by guarantors, commissioners, etc., shall in no case be modified or suspended.

**Rule 37. The Selection, Drawing and Impanelment of Trial Jury.**  
1. In the month of January of each year the Judges shall select the names of at least twenty-four hundred persons to serve as jurors in the Superior Court for the ensuing year. Each Judge shall personally select one-twelfth of the required number. The duty of selection must not be delegated to any other person. Each Judge shall submit to the presiding Judge the list of names selected by him, due to be a list personally selected by him. The lists shall then be combined together and filed in the office of the County Clerk.

2. Upon receiving the lists, the Clerk shall write down the names contained thereon, on separate pieces of paper of the same size and appearance; fold each piece so as to conceal the name thereon, and deposit the slips in the "trial jury box," after having taken care to destroy the names remaining over from the last previous year. Said box shall be kept locked. There shall be but one key to the same, which must be kept in the custody of the presiding Judge. He shall deliver the same to the Judges of the different departments when ever necessary for the transaction of the business of the Court.

3. Whenever the business of any department shall require the attendance of a trial jury, and no jury is in attendance, the Court or the Judge of said Department shall make an order directing

jury to be drawn and summoned to attend before the Court in such department. The order shall specify the number of jurors to be drawn, and the time at which the jurors are to attend. The "trial jury box" must then be brought into the Department by the Clerk and opened by the Judge presiding in the Department. Thereupon the Clerk shall proceed, in the presence of the Court, to draw the names of jurors from the box and conduct the drawing pursuant to the requirements of the Code of Civil Procedure.

4. Whenever the names of trial jurors for any Department shall have been drawn pursuant to the provisions of Subdivision 3, the Clerk shall deliver a certified list of the jurors so drawn to the Sheriff, who must serve written notice upon each of them to attend the Court in the Department and at the time specified by the Court. The Sheriff shall not, nor shall any of his deputies, excuse any juror from attending. If the Sheriff or any of his deputies shall intentionally fail to serve any juror with notice, or advise or induce a juror not to attend or shall falsely return that a juror cannot be found, he shall be deemed guilty of contempt of court.

5. When the jurors have appeared in obedience to the notice served upon them by the Sheriff, none shall be excused unless for good cause shown. Applications for excuse will not be heard in Chambers or at any place other than in open Court, while the Court is in session. All excuses and reasons therefor and the names of the jurors excused shall be entered by the Clerk in his minutes.

6. A Judge of one Department will not request a Judge of another department to excuse a juror from serving.

7. No official, deputy official, or other person, shall request a Judge of this Court to excuse from jury duty any person whose name has been drawn as a juror.

8. Those jurors who have not been excused shall constitute the regular panel of the department. The Clerk shall write their names upon separate slips of paper of uniform size, shape and color; fold such slips so that the names are concealed and so that no slip can be identified or distinguished from another, and then, in the presence of the Court, deposit the slips in the "department jury box," lock the same and deliver the key to the Judge presiding in the Department, who shall be the exclusive custodian of the same.

9. Whenever a jury case is called for trial, the Judge shall open the "department jury box"; the Clerk of the Court shall thereupon shake the box, and draw the names of the jurors therefrom one at a time until the jury is completed. After each name is drawn from the box, the Clerk must shake the box so as to thoroughly mix the slips therein before taking out another name. The drawing of names of jurors shall be done by the Clerk in the immediate view and under the surveillance of counsel engaged in the trial of the case.

10. All notices served by the Sheriff on jurors pursuant to the requirements of Subdivision 4 and Section 225, C. C. P., shall have printed thereon Section 201, C. C. P., and Subdivisions 4, 5, 6, and 7 of this rule.



**Rule 38. Papers on Appeal—When to be Filed—Dismissal.**—In Civil Cases appealed to this Court, the papers on appeal shall be filed with the Clerk within forty (40) days after the undertaking on appeal is filed with the Clerk of the Justices' Court. If not so filed within the time above limited, the respondent may move to dismiss the appeal, after giving two days' written notice to the appellant, and thereupon said appeal shall be dismissed unless said motion be actually on file at the time said motion is called for hearing; at that event said motion shall be denied, but the Court may make such terms.

**Rule 39. Bonds by Corporations as Sole Surety.**—No undertaking or bond executed by a corporation as sole surety will be hereafter approved unless a copy of the certificate issued to such corporation by the Insurance Commissioner of this State be filed with the Clerk of this Court, together with a copy of the authority of the officer executing the same. In all cases the restrictions, prohibitions, conditions and requirements as to the justification of such undertakings under or imposed by the laws of other States upon surety corporations of this State will be imposed and enforced in like manner upon corporations of such other States before they will be accepted and approved in any action or proceeding in this Court.

**Attorneys Requested not to be Sureties.**—It is the request of this Court that no practicing attorney of this Court, or municipal or city and county officer, shall be received as surety on any undertaking to be approved by this Court or a Judge thereof in any proceeding in this Court.

**Rule 40. Certificate of Counsel to Accompany Demurrers.**—Demurrers will be accompanied by a certificate of counsel that the demurrer is not filed for delay, and in the opinion of counsel is taken by point of law; provided that in the absence of such certificate or if the Court shall believe that the demurrer was filed for delay, costs will be imposed in the amount of Ten (\$10.00) Dollars, in addition for leave to answer.

**Rule 41. Chamber Business.**—For the purpose of transacting business designated by Section 166 of the Code of Civil Procedure, business that may be transacted in Chambers, each Judge of the Court shall attend, in Chambers, or in open Court, at least fifteen minutes in advance of the time set for the regular sessions of such Court on each day. The members of the bar are requested to transact business designated by Section 166 of the Code of Civil Procedure at the time above fixed for hearing the same in advance of the regular sessions of the Court, in order that the Court and persons having business before it may not be unnecessarily delayed in taking disposing of matters appearing on the regular daily calendar of the Courts.

**PROBATE.**

**Rule 1. Counsel Fees.**—Applications for allowance of counsel fees must be made in Court, and will not be heard in Chambers. Attorneys are required to present with their applications a summarized and verified statement in writing of services rendered. This should be filed and preserved as a record in the proceeding.

This statement should be a condensed narrative of substantial service rendered, and not a mere skeletonized semblance, and it should be verified by the attorney himself.

Notice should also be given to all parties in interest. The time for passing upon such applications is on the occasion of settlement of accounts of administrator or executor or guardian.

**Rule 2. Appointment of Appraisers.**—In the matter of the appointment of appraisers, attorneys may nominate to the Court for appointment one person, and no more, subject to the Court's approval.

**Rule 3. Admonition to Appraisers.**—The attention of appraisers is especially called to the provisions of the law governing them in the discharge of their duty. (Part 3, Title 11, Chapter 4, Article 1, Code of Civil Procedure.) The compensation of appraisers is limited to \$5 for every day *actually* and *necessarily* employed in the appraisement. No "constructive" charge will be allowed. In case no charge be made and compensation is waived that fact must be noted in the *return* of the appraisers. See Statutes 1893, pp. 196, 197; C. C. P., sec. 1444.

In all proper cases the discretion of the Court may be invoked to appoint competent appraisers to act without compensation.

**Rule 4. An Itemized Account Necessary.**—The attention of appraisers is also directed especially to the necessity of making an *itemized* account of their charges and disbursements. *Day and date* must be given in *every* instance. It is enjoined upon the appraisers appointed by the Court, to preserve *data* in *detail* of their charges and *annex the same to their report*.

**Rule 5. Appointment of Special Administrators.**—Application for letters of special administration will be heard only in open Court, upon petition, and such notice as may be practicable must be given in all cases.

**Rule 6. Provision for Payment of Stenographer.**—No case will be reported by the official stenographer except upon request of counsel and upon proper provision for payment of per diem and costs of transcribing.

**Rule 7. Family Allowance and Homestead Applications.**—Application for family allowance or for selecting or setting apart a homestead will be heard only after notice of a specially appointed day of hearing previously fixed by order of Court; which notice shall be not less than three days as to family allowance applications, and not less than ten days as to applications for homesteads.

The manner of notice shall be (1) by posting, as provided with respect to an application for the settlement of an account, and also (2) by written notice served upon the attorney for the administrator

or executor, and upon the attorney of any person who has appeared or given notice of appearance (by an attorney) in the estate as heir, legatee, devisee, next of kin, or creditor, or as otherwise interested. The notice, other than posting shall be governed by the rules prescribed in sections 1010 to 1015 of the Code of Civil Procedure. (*Kearney vs. Kearney*, 72 Cal. 593.)

**Rule 8. Form of Orders to be Approved by Opposing Parties.**—In all contested cases, whether or not adverse pleadings are filed, where the contestant or opposing party appears by attorney, the order of Court—unless it be a minute order only—shall as to its form be approved by the attorney of the contestant or party opposing; otherwise, the matter of the form shall be argued or the objections presented without argument as the Court may direct.

**Rule 9. Notice Required of All Applications—Exceptions.**—No application for an order or a decree—whether ordinarily deemed an *ex parte* matter or otherwise—shall be heard except upon the written notice of the hearing first given to the attorney of every person who has appeared or given notice of appearance (by an attorney) in the estate, as heir, legatee, devisee, next of kin, or creditor, or as otherwise interested; and this enumeration shall include the administrator or executor when he is not the applicant. The period of said notice shall be determined by the Court in each case, and with an endeavor to uniformity as to cases of the same kind or class. This rule shall not apply to applications for orders of publication of notice to creditors or decrees establishing that due and legal notice to creditors has been given, or orders fixing a day of hearing of an application, or decree of final discharge, or orders similar in character.

**Rule 10. Rules of C. C. P., 1010–1015, to be Applied in All Cases.**—The provisions of Sections 1010 to 1015 shall govern and must be followed in all cases as to every person claiming to be interested in an estate or guardianship matter who has appeared by attorney or has given notice of appearance by attorney. This rule of practice will not be dispensed with in any case; nor shall the rule be suspended in any instance except upon good cause appearing to the Court, founded upon affidavit specifying the particular facts and reasons, and such other evidence as the Court may require.

**Rule 11. Requirements as to Sureties on Bonds.**—In all cases where bonds are required (by the statute or order of Court), the proposed sureties must appear before the Judge and be examined by him as to their *status* and sufficiency; or an affidavit by each of them must be presented and passed upon, which affidavit shall set forth such particulars as to their assets and the values thereof as may be prescribed by the Court.

**Rule 12. Notice as to Applications for Special or General Letters.** All applications for special or general letters of administration must give the special address of any heir resident of San Francisco and if such special address is not known that fact must be stated. Before

general or special letters are granted it must be shown to the Court that such locally resident heir has had notice of the application.

**Rule 13. Requirements as to Particularity of Inventory and Appraisalment.**—Where land inventoried is improved, particulars as to the nature and description of the improvements must be given (e. g., "The improvements on said parcel of realty consist of a two-story frame dwelling with basement known as No. — street"). The land and the improvements thereon must be separately valued, and the total of the separate values carried out as the appraisalment of the land and premises. Where land is unimproved that fact must be stated. Where there is a mortgage existing against property (real or personal) that fact, with the amount, name of the mortgagee, and date and place of recordation must be stated. Moneys belonging to a decedent must be identified by a statement as to the custody of the same, and if deposited in bank, the name of the bank with the exact title or designation of the deposit account.

**Rule 14. Filing of Affidavit as to Notice to Creditors.**—When publication of notice to creditors is completed, the administrator or executor must file without delay the affidavit of such publication required by law (C. C. P., secs. 2010, 2011, *cum* sec. 1492.)

**Rule 15. Particularities as to Accounts and Final Accounts.**—In all accounts, or in a report accompanying the same, it should appear whether or not moneys received by the administrator or executor, or coming under his control, have been deposited in any savings bank (or other bank giving interest on moneys deposited); or otherwise invested at interest; and if not, the reasons therefor. In this connection any existing investments of the decedent at the time of his death should be stated and described, and the changes or transformations of same (if any).

Interest, dividends, or income received or declared on property subsequent to the decedent's death should not be stated in a lump sum only, but particulars of the same should be given, namely: (1) the date of receipt of each separate item of interest, dividend or other income (such as rents), (2) for what period, (3) upon what particular property, and (4) from whom received.

In all final accounts (C. C. P., sec. 1634), whether or not a petition for distribution is filed therewith, the legal commissions of the administrator or executor must not be stated in the aggregate only, but the particulars of the calculation proving such aggregate sum must be set forth. For example: "Legal Commissions of Administrator (or Executor) upon the total 'amount of estate accounted for'<sup>1</sup> (C. C. P., sec. 1618), \$21,000 as follows:

<sup>1</sup> For commissions of administrators under present law see page 975.

7 per cent on \$ 1,000.00.....	\$ 70.00	
5 per cent on 9,000.00.....	450.00	
4 per cent on 10,000.00.....	400.00	
3 per cent on 1,000.00.....	30.00	
	<hr/>	
	\$21,000.00	\$950.00 \$950.00

Amount of estate, \$903,011.37.

On \$ 1,000.00 @ 7 per cent.....	\$ 70.00
On 9,000.00 @ 5 per cent.....	450.00
On 10,000.00 @ 4 per cent.....	400.00
On 30,000.00 @ 1½ per cent.....	450.00
On 50,000.00 @ 1 per cent.....	500.00
On 803,011.37 @ ½ per cent.....	4,015.05

Commissions, \$5,885.05

Distributed in kind; half commissions on  
all estate above.....\$20,000.00''

**Rule 16. As to Disbursement Items in Accounts.**—Each item of disbursement in every account should indicate the number of the voucher for such item, the particular voucher to bear the corresponding number.

**Rule 16a. Notice to be Given Treasurer of the Hearing of Matters Involving the Inheritance Tax.**—Written notice of the hearing of petitions for partial distribution and for final distribution shall be given to the Treasurer of the City and County of San Francisco at least five days prior to the hearing thereof in all estates where no appraisement has been had under the provisions of the inheritance tax act, approved March 20, 1905, and proof of the giving of such notice shall be made before such hearing is had; unless the receipt of the Treasurer evidencing payment of said tax is produced at such hearing.

**Rule 17. Bonds on Partial Distribution to be Filed.**—Bonds given and approved on partial distribution (C. C. P., secs. 1661, 1663), or a copy thereof certified as correct by the attorney for the administrator or executor, should be filed in the matter of the estate immediately after approval, as a record for the information and protection of the Court and persons interested (C. C. P., sec. 1662; end of sec. 1663).

**Rule 18. Requisite of Proper Service of "Citations."**—In all proceedings upon which "Citations" are required to be issued, the service of the issued citation must be accompanied by service of a copy of the petition, application, or other paper upon which the issuance of the "Citation" is founded or ordered.

**Rule 19. Rules 9, 10, and 12 as Applicable to Specific Sections of Probate Statutes—Notice as to Accounts of Trustees—Disposition of Life Estates and Homesteads—Petitions for Letters of Guardianship of Minors or Incompetents—Restoration to Capacity.**—In the proceed-

Sections 1699, 1723, 1747, 1763 and 1766 of the Code of Civil Procedure, the Court requires and will exact in addition to the service of written notice as prescribed in Rules 13, 15, 16, 17, 18 and 19 hereinaabove, which rules shall be deemed applicable to proceedings under C. C. P., Sections 1699, 1723, 1747, 1763 and 1766, and for the purposes of this Rule the petition or initial order in such proceeding shall set forth the name and special address as known or ascertainable of every person interested in the proceeding who is a resident of the City and County of San Francisco in furtherance of any special statutory requirement.

**Rule 21. Requisites upon Applications for Decree of Discharge.**—An application for a decree of final discharge (C. C. P., sec. 1697), or for a decree of discharge, must be accompanied by the written receipts of the trustees of the estate, or other parties entitled, the payment of the property of the property to whom is the basis of the application. The signatures to such receipts must be authenticated by a subscribing witness or acknowledged before an official authorized to take acknowledgments of writings; reserving the necessity in any given case of such additional proof of the fact of payment as may be required by the Court. Such receipts must be filed at the time of filing the decree. Such applications must also be accompanied by the original order or decree under which the payments or delivery of property were made; *provided, however*, that where such order or decree distributes real property, and in such case more, the requirements of this rule may not or may be applicable as shall appear to the Court.

**Rule 21. Guardianship Proceedings—Rules 13, 15, 16, and 20, as Applicable to Guardianships.**—The requirements of Rules 13, 15, 16, and 20 above, apply as to Inventories and Appraisements, and Accountings and Applications for Discharge, in guardianship proceedings (C. C. P., sec. 1754, subds. 1, 3; secs. 1758, 1773, 1774, 1794, 1795, 1799, 1801, 1802, 1805, 1808); *excepting* that the provision of Rule 15 as to "commissions" of an administrator or executor does not apply to guardians (C. C. P., sec. 1776).

**Rule 22. Rules 8-11, 17-19, as Applying to Guardianships.**—Rules 8 to 11, 17 to 19, shall apply to guardianship proceedings (C. C. P., secs. 1747-1810), unless the theory of any of such rules shall in the particular case appear to be inapplicable. (C. C. P., sec. 1808.)

**Rule 23. Interest on Deposits by Public Administrator.**—Whenever the Public Administrator deposits the money of any estate upon which he is administering with any corporation authorized to do business under the act of April 6, 1901, and the act of 1897 amendatory thereof (Amendments and Statutes of 1897, p. 424), he shall, at the time of opening his account with such corporation, make an agreement with the corporation that such money shall bear interest at the rate currently paid by savings banks of the City and County of San Francisco upon ordinary deposits, subject to such reasonable con-

ditions to be approved by the Court as may be required by such corporation.

### **REQUIREMENTS OF CERTAIN ORDERS IN PROBATE.**

It is recommended to practitioners in probate to set out in their orders admitting a will to probate or appointing an administrator a brief description of the property, segregating the real from the personal estate.

Where land is improved, the nature and description of the improvements should be given (e. g., "The improvements on said parcel of realty consist of a two-story frame dwelling with basement known as No. . . . . Street"). The value of the improvements thereon should be separately estimated, and the total of the separate values carried out as the estimated value of the land and premises. Where land is unimproved, that fact should be stated. Where there is a mortgage existing against property (real or personal), that fact, with the amount, name of the mortgagee, and date and place of recordation should be stated. Money belonging to a decedent should be identified by a statement as to the custody of the same, and if deposited in bank, the name of the bank with the exact title or designation of the deposit account.

In all orders of sale and confirmation, as well as in orders appointing an executor or administrator, the names of the witnesses examined should be recited and the names of the attorney or attorneys actually appearing at the hearing should be inserted in the orders.

The name and office address of the attorney or attorneys of record should also be indorsed on each paper filed.

### **CRIMINAL.**

**Rule 1. Bonds.**—Hereafter, in this department of the Superior Court, bonds will be approved only in open Court or in Chambers, and during the hours that the Court is in session. When any bond is submitted for approval, the sureties must be present and the Judge examine them. *In case any surety proposed is not personally known to the Judge of the Court, satisfactory evidence of his identity must be furnished.* In all cases the testimony of the sureties upon their examination touching their qualifications as sureties will be taken down in shorthand by the official reporter of the Court and reduced to writing, and, if the bond is approved, must be signed by the sureties. The bond must be in the usual form and must contain a sufficient description of the property of the sureties, a statement of its value, and a statement as to whether there are any encumbrances upon it or not.

**Rule 2. Motions.**—Motions for new trial or in arrest of judgment must be made on the day fixed by the Court in rendering judgment in the case.

**Rule 3. Motion to Reduce Grade of Offense.**—The Supreme Court of this State has held that, when the testimony in a criminal case

has been taken down and returned by the committing magistrate, *the responsibility is thrown upon the District Attorney to determine therefrom the offense to be charged.*

*People vs. Lee Ah Chuck*, 66 Cal. 665;

*People vs. Vierra*, 67 *id.* 234;

*People vs. Giancoli*, 74 *id.* 646.

It thus appearing to be the plain duty of the District Attorney to determine from the testimony taken at the preliminary examination, *and in advance of the filing of an information*, what offense has been committed, the Court will not hereafter entertain any motion to reduce the grade of the offense of which any person stands charged, *whether the same be a higher or lower grade of offense than that for which the accused person has been held to answer by the committing magistrate*, but, on the contrary, law matters excepted, will send every case to a jury upon the charge preferred in the information, save only when the accused person has pleaded "guilty as charged."

## RULES—SUPERIOR COURT—LOS ANGELES COUNTY.

**Rule 1. Departments.**—The Superior Court will, ordinarily, hold as many sessions at the same time as there are Judges of the court; and for such purpose, and for the purpose of the more convenient classification and distribution of the business, the court is hereby divided into twelve Departments, and the Judges thereof are assigned to the several Departments as follows:

Department One.....	J. P. Wood
Department Two.....	James C. Rives
Department Three.....	Frederick W. Houser
Department Four.....	Frank G. Finlayson
Department Five.....	Nathaniel P. Conrey
Department Six.....	Charles Monroe
Department Seven.....	Gavin W. Craig
Department Eight.....	Curtis D. Wilbur
Department Nine.....	Walter Bordwell
Department Ten.....	George H. Hutton
Department Eleven.....	Frank R. Willis
Department Twelve.....	Paul J. McCormick

**Rule 2. Interchange of Judges.**—The Judges of the Departments will interchange with each other, or act for each other, on request, or on the failure of either one of the Judges to attend at the time the Department of the court in which he shall preside should be opened and held by such Judge.

**Rule 3. Organization of Business—1. Presiding Judge.**—The division of the business of this court among its various Departments shall be supervised by one of the Judges, who shall be known as the pre-



siding Judge. The presiding Judge shall serve for the term of one year, commencing on the first day of May of each year, and the Judges of this court shall serve as such presiding Judge in the following order: George H. Hutton until May 1st, 1912, and thereafter in turn in the order herein enumerated, viz.: Frank R. Willis, Paul J. McCormick, J. P. Wood, James C. Rives, Frederick W. Houser, Frank G. Finlayson, Nathaniel P. Conrey, Charles Monroe, Gavin W. Craig, Curtis D. Wilbur, Walter Bordwell, George H. Hutton. The names of new Judges shall be added to the above list alphabetically in the order of their accession to the bench. Any Judge may be relieved from the duty of so serving as presiding Judge upon his application to and consent of a majority of the Judges.

As cases are filed the presiding Judge shall assign them to appropriate Departments of the court.

He shall keep watch over the condition of the trial calendars of the court and shall readjust the assignment of causes at issue, at or before the time of trial thereof, in such manner as best to dispose of the business.

He shall attend in Chambers during the business hours of each day for the purpose of hearing applications for *ex parte* orders and to dispose of such other preliminary matters as should properly come before a presiding Judge. If the presiding Judge be absent from his Chambers on any account, he shall call upon some other Judge of the court to attend there in his place.

With the assistance of the other Judges, and beginning not later than the first of December of each year, he shall diligently prepare the necessary lists of jurors to be chosen by the court in January.

The presiding Judge shall hear proof offered in any cause and order judgment therein, where default has been entered, except those for divorce, annulment of marriage, or separate maintenance, regardless of the number of the Department to which such action may have been assigned.

The presiding Judge shall hear all inquests of lunacy and such hearings shall take place at the county hospital.

**2. Meetings of Judges.**—From time to time at his own instance or on request of any other Judge, the presiding Judge shall call together the Judges of the court for the discussion of such questions as may arise with reference to the mode of disposition of the court's business.

**3. Assignment of Business.**—In the assignment of business the following rules shall be observed, in so far as the same are consistent with the public interest, namely:

To Department 2 all proceedings in probate, and all proceedings for the adoption of minors.

To Departments 11 and 12 shall be assigned all criminal business, including writs of *habeas corpus* in all criminal matters, which shall be divided as equally as practicable between said Departments; *provided*, however, that all writs of *habeas corpus* in matters growing out

of the juvenile court law or involving the custody of infants, shall be returnable before Department 8, excepting *habeas corpus* writs in cases of children growing out of custodial orders of Departments 2 or 6, which shall be returnable before said Departments, respectively.

All applications for approval of appointments of humane officers and others, as provided in section 607f of the Civil Code, shall be made to the Judge of Department 8.

All proceedings under the laws of this state dealing with dependent or delinquent children shall be heard in Department 8, which is hereby designated as the "Juvenile Court."

All actions for divorce and annulment of marriage and actions for maintenance and all proceedings therein, shall be assigned to Department 6.

All other business of the court shall be distributed as equally as may be among the several remaining Departments.

**4. Criminal Cases.**—All informations in criminal cases shall be delivered by the District Attorney to the presiding Judge before filing and the presiding Judge shall designate which of the two criminal Departments such cases shall be assigned to; all files in cases of appeal from inferior courts shall be transmitted to the presiding Judge by the clerk as soon as they are received, and the presiding Judge shall assign such appeals for hearing in the same manner as other criminal cases are assigned.

**5. Attendance of Juries.**—Civil actions in which a jury has been demanded shall be assigned, or reassigned, for trial to a Department in which a jury shall be in attendance. For the trial of civil causes a jury shall be kept in attendance in one Department only, except when required in the probate Department for the trial of contested probate matters, and except also when otherwise specially ordered. A jury may be called by the Judge of the probate Department whenever required for the trial of contested matters arising in such Department. Trials of other civil causes by jury shall be had for a period of six months in one Department, and then such trials shall be had for a like period in the next numbered Department, in rotation, except in Departments 2, 6, 8, 11 and 12, and the Department of the presiding Judge. Commencing with the first day of May, 1912, such trials by jury shall be had in Department 9 for a period of six months, and thereafter each Department in rotation shall hear such cases for a like period of six months. For the trial of civil causes, excepting contested probate matters, a new term trial jury shall be drawn at least once every thirty days.

**6. Naturalization.**—For the purpose of complying with the federal laws concerning naturalization, the court hereby names and establishes the first, second and fourth Thursdays of each month as the days on which final action will be had on petitions for naturalization; *provided*, that no such final action will be had within thirty days before the holding of any general election within the jurisdiction of this court. All

applications for naturalization will be set down for hearing in the Department of the presiding Judge.

**Rule 4. Jury Trials.**—In any action or proceeding, other than a criminal action or proceeding, the party desiring a trial by jury must at the time of the setting of the action or proceeding for trial, deposit with the clerk the sum of twenty-four dollars, to be held subject to the order of the court and to be used for the payment of jury fees. If such sum of money be not deposited at the time specified, trial by jury shall be deemed to have been waived and the court will proceed to trial without a jury. If more than one day is occupied by a jury trial, the court shall, at the beginning of each day's session after the first day, require the party demanding the jury to make a further deposit with the clerk of twenty-four dollars and *such further sum as may be necessary to satisfy any mileage fees that may be owing to the jurors*, except the mileage fees due on account of the attendance of such jurors at the first day of the trial, which last-mentioned fees shall be paid by the county. A failure to make the deposits required by this rule shall be deemed to be a waiver of the right to a jury trial and where such a failure to make such deposits occurs after the trial by jury has commenced, the jury shall be excused from further attendance and the trial shall proceed without a jury; *Provided, however*, that this rule, so far as the time expressed herein for the making of the first deposit is made to work a waiver of a jury where there is a failure to make such deposit within the time so limited, shall not apply to proceedings specified in Section 1716, Code of Civil Procedure.

**Rule 5. Instructions to Jury.**—In causes tried by jury any instructions asked for by either party must be presented to the court at or before the close of the evidence, and before any argument is made to the jury.

**Rule 6. Grand Jury.**—A grand jury shall be drawn and impaneled in December of each year in the Department of the presiding Judge.

**Rule 7. Preliminary Restraining Orders.**—Applications for restraining orders must be made to the presiding Judge, and he will assign the cause to the proper Department for further hearing.

**Rule 8. Motions.**—All motions connected with any action, when upon notice, if made in open court, shall be made in the department in which the action is pending, unless otherwise ordered.

**Rule 9. Ex Parte Motions.**—*Ex parte* motions, except in probate matters, shall be made to the presiding Judge.

**Rule 10. Law and Motion Day.**—Monday shall be the law and motion day in the several Departments of this court, and the clerks shall, on every Saturday, make up the law and motion calendar for each Department.

**Rule 11. Notice of Motions.**—1. Where, by statute, or by these rules, notice of motion is required to be given, copies of all papers to be used by the moving party (except pleadings and other records

of the court and papers in possession of the opposing party, shall be before the court with the notice of motion.

2. The notice of motion shall specify the papers to be used by the moving party and the grounds of the motion.

3. An order to show cause shall be deemed a notice of motion within the meaning of this rule.

4. A notice of motion to the court shall specify the papers to be used in the motion, the terms of the writ or order applied for, and the grounds of the application as in the case of other motions.

5. A notice of motion must be filed with the clerk at least the day before the day on which the motion is to be heard, but when time of notice is so ordered to pass shall not be filed until immediately after sunset.

6. Upon the hearing of any motion the affidavits used by either party shall be filed by the clerk.

**Rule 12. Failure to Appear.**—Upon the regular call of the law and motion calendar if no counsel appears to support a demurrer or motion, the same may be heard by the court on demand of opposing counsel.

**Rule 13. Orders Extending Time.**—No order extending time within which any act is required by law to be done shall be made, which, by its terms or in connection with any other order or orders or any extension shall operate to extend such time more than thirty days beyond the time given by law.

In case the time within which any act is required by law to be done is extended by stipulation, no extension of time shall afterward be granted by the court or a Judge, which, when added to the time already given by stipulation, shall exceed thirty days; and the order shall correctly show upon its face the extensions of time previously given. Every such order shall be served and filed before 10 o'clock A. M. of the next judicial day.

No extension of time exceeding two days shall be allowed by any Judge, except the presiding Judge, in cases pending in any Department other than that in which he presides, unless the Judge of the said Department is absent from the county; and, provided in no case shall any order be made by any Judge of this court extending the time of a party to demur to any pleading, except upon good cause shown by affidavit.

**Rule 14. Motions—By Whom Made.**—No order of any kind shall be made or entered by any Judge of this court unless upon the personal motion of a member of the bar authorized to appear in this court, except by the Judge upon his own motion, or upon the application of a party appearing in *propria persona*.

**Rule 15. Amendments to Pleadings.**—When a pleading shall be amended during the progress of a trial and a new issue shall be raised thereby, the opposite party may have a reasonable time to plead thereto or to take such action as may be necessary and a continuance,

if necessary, unless otherwise ordered, shall be at the cost of the party amending.

**Rule 16. Verification of Pleadings.**—In all cases of verification of pleadings it shall be made plainly to appear from the pleading itself and by the verification taken in connection therewith, what matters are sworn to on information and belief and what matters are sworn to on the knowledge of the affiant.

**Rule 17. Setting Cases for Trial.**—Civil actions at issue may be set for trial in the respective Departments where they are pending, upon motion of a party, upon five days' written notice of such motion to the adverse party, or on motion based upon stipulation of the parties. Such notice must be noticed for, and will be heard only at the opening of court at the time the law and motion calendar is called, and will not be granted unless it first appears that the calendar fee has been paid, and that the required notice has been given; *provided* that the order may be made "by consent" expressed as required by Rule 18.

Not later than the hour for the closing of the Clerk's office on the last legal day preceding the day on which a motion to set an action for trial is to be made, there must be handed to the Clerk of the Department in which the action is pending a memorandum containing the title and number of the case, and other matters of information required to be set forth on the blank form furnished by the Clerk. At the regular hour for calling the law and motion calendar, the Clerk will deliver all such cards, arranged in the order of their receipt, to the Judge, who will thereupon call such cases and set them for trial. If no appearance is made for either party on the first call of a motion to set a case for trial, such motion will be dismissed, and a new notice of motion shall be required to be given before any such cause is set for trial.

**Rule 18. Orders by Consent.**—Whenever any order or ruling is made "by consent," it must be upon consent of all the attorneys of all the parties affected thereby, expressed in open court, and entered on the minutes, or upon written stipulation of all such attorneys, made and filed in the action. Such minute entries shall show the names of all the attorneys actually in court at the time of the order. Should any order be made in violation of this rule, it shall be vacated upon *ex parte* motion.

**Rule 19. Testimony in Divorce Cases.**—No phonographic reporter, or officer of the court with whom the proceedings in an action for divorce are filed, or before whom the testimony is taken, nor any clerk of such officer, either before or after termination of the suit, shall, without a special order of the court or Judge, permit a copy of any of the testimony, or of the substance thereof, to be taken to be inspected or to be read by any person other than a party or the attorney of a party to the action.

**Rule 20. Cancellation of Instruments.**—In all cases in which a judgment is rendered upon a written instrument, the Clerk shall, unless otherwise ordered, at the time of entering judgment, note over his official signature across the face of the instrument, the fact of the entry of the judgment and its date, with the title of the court, and return the instrument to the party in whose favor judgment is rendered.

**Rule 21. Guardians ad Litem.**—Any attorney of the court shall act as guardian *ad litem* for a defendant whenever appointed for that purpose by an order of the court. He shall examine into the circumstances of the case so far as to enable him to make a proper defense and shall be entitled to such compensation as the court may deem reasonable.

**Rule 22. Time to Answer or Amend After Demurrer.**—When a demurrer to a complaint or cross-complaint shall be upon the law and motion calendar and no one shall appear in support of the same and the demurrer shall be overruled, or if in any case the court, in overruling a demurrer, shall decide that the same is frivolous, the party demurring shall not be given leave to answer, except on the payment of ten dollars to the opposite party, and the time to answer in such case shall be limited to five days. In all other cases upon the overruling of a demurrer to a complaint, the party demurring shall be allowed ten days in which to answer, unless otherwise ordered by the court. When a demurrer to a pleading shall be sustained, the adverse party shall have ten days in which to amend, unless otherwise ordered by the court.

**Rule 23. Attorney not to be Surety.**—No practicing attorney of this court shall be received as surety on any bond or undertaking to be approved by this court or any Judge thereof in any proceedings of this court.

**Rule 24. Reporters' Fees.**—1. Unless otherwise specially ordered, the *per diem* fee of the phonographic reporter, in all contested cases called for trial must be advanced and paid to the Clerk for the reporter on the first call of the case each day of the trial, one-half of such fees to be advanced and paid by the plaintiff, and the other half by the defendant; *provided*, that if the contesting party fails to appear at the trial, the whole of such fees shall be paid by the plaintiff or other party appearing; *and provided, further*, that if there be any intervener, or any party other than the plaintiff and defendant, or two or more actions shall be tried together, the court or Judge thereof shall in such case or cases, fix the proportion of such fees to be advanced and paid by the parties respectively; and when so fixed each of such parties shall advance and pay his proportion so fixed.

2. In actions of divorce on default and in all other actions and proceedings when so ordered by the court, the testimony shall be taken by the reporter, and his fees therefor shall be paid in advance.

**Rule 25. Custody of Papers.**—No papers on file in the office of the Clerk of this court shall be allowed to be taken from the Courthouse, except exhibits, which, upon order of a Judge of the court, may be taken from the files upon there being left in their places certified copies thereof; *provided*, that in cases where default has been entered against a party exhibits offered in making proof against such defaulting party may be withdrawn without leaving certified copies thereof upon order of the Judge of the Department where the matter has been heard; *and provided, further*, that exhibits in any case may be withdrawn without there being left certified copies thereof, upon order of a Judge of the court, where a written stipulation is filed signed by all of the attorneys representing the parties, consenting to the making of such order.

**Rule 26. Stipulations.**—All stipulations between counsel affecting proceedings in either Department, unless made in open court, and entered in the minutes thereof, or reduced to writing and signed by all of the attorneys of the parties to be bound thereby, shall be disregarded.

**Rule 27. Appeals.**—In any civil action appealed from an inferior court, if the transcript and papers are not filed in the Clerk's office, and six dollars paid to the Clerk as a deposit for the costs, within thirty days after the notice of appeal and undertaking on appeal are filed in such inferior court, such appeal will be dismissed on motion made upon notice to the appellant.

**Rule 28. Publication of Summons.**—In any application for an order to publish summons, if the residence is known and stated in the affidavit, the affiant must also give the information upon which such statement of residence is made, and if the information is contained in a letter such letter must be attached to the affidavit. In such case, the applicant may, in his affidavit, suggest the name of a newspaper which he believes to be the one most likely to give notice to the defendant; but if he does so, he must also state in his affidavit the reasons why such newspaper will most likely give notice to the person to be served. If the facts so stated do not satisfy the court, or if the residence of a defendant is unknown, the court or Judge will select for such publication a newspaper printed and published in the county of Los Angeles, and having a substantial circulation, which the Judge believes will be most likely to give notice to the defendant. In addition to any other affidavit used on such application, there must be an affidavit of the plaintiff, unless the plaintiff is a corporation or a person under legal disability.

Whenever the order directs mailing a copy of summons and complaint to a defendant, the order shall name the person who is to mail said documents. On the envelope inclosing such copy of summons and complaint there shall be written or printed directions for the return of the same to the sender, if not delivered by the postoffice department to the party addressed. All such documents shall be sent

as registered packages, and the return card of the postoffice department shall be filed with the papers in the case. Whenever any such package shall be returned without delivery to the party addressed, the same shall be filed with the papers in the case. The cost of postage on such packages shall be paid by the plaintiff and chargeable as costs.

**Rule 29. Trial of Default Divorce Cases.**—Motions to set default divorce cases for hearing shall be heard at the regular calling of the law and motion calendar: *provided, however,* that in such cases the cards required to be delivered to the Department Clerk under the provisions of Rule 17, must be so delivered to such Clerk not later than the time of the closing of the Clerk's office on the last legal day preceding the day upon which the law and motion calendar is to be called.

**Rule 30. Application to Advance Divorce Cases.**—All applications to set or advance the hearing of divorce cases, either default or contested, must be made in open court at the time of calling the law and motion calendar.

**Rule 31. Proof of Personal Service in Default Cases.**—Upon the hearing of defaults in divorce cases where personal service is made in this county by any person other than the sheriff, such person must be produced as a witness by the plaintiff.

**Rule 32. Motions to Strike Out.**—The party moving to strike out any portion of a pleading shall, in the notice of motion distinctly specify the page and lines or parts of lines, or paragraphs, asked to be stricken out.

**Rule 33. Continuances.**—When any motion or demurrer is regularly placed on the law and motion calendar, and on call there is no appearance, the matter will be continued one week. If such matter is thus called three times without being presented, the same will be dropped from the calendar, and will not be reinstated unless by order of the court upon good cause shown therefor.

**Rule 34. Requirements as to Documents for Filing.**—All pleadings, petitions, statements and bills of exceptions, before being filed or served, shall be printed or written on good white paper of legal cap size, with numbered lines, bound at the top and paged at the bottom; but statements and bills of exceptions may be printed or written either on paper or legal cap size as above provided, or on paper eight inches by ten inches in size, with numbered lines, bound at the side and paged in the upper right-hand corner. In all cases where more than one distinct cause of action, defense or counterclaim is intended to be stated, the same shall not only be separately stated, but also plainly numbered. Said pleadings, petitions, statements and bills of exceptions shall be without interlineations unless noted by the clerk at the time of filing; and shall be printed or written upon only one side of the paper. All copies served shall correspond with the original in paging and lines. The office address of the attorney appearing for a



party filing any complaint, answer or demurrer, or notice of appearance, must be indorsed upon such pleading or appearance. The character of the action shall be indorsed upon all complaints. The nature of the paper upon all other documents. *Provided*, that nothing herein contained shall be deemed to prohibit the use of printed blanks furnished by the Clerk of this court.

**Rule 35. Size of Paper for Reporters' Transcripts.**—All transcripts shall be written or printed on paper ten inches wide and eight inches in width, with the lines numbered at the top side and paged on the upper right-hand corner; the same to be bound together on the left-hand side in volumes of convenient size.

**Rule 36. Application for an Order Refused.**—When an application for an order has been made to a Judge or to the court and refused in whole or in part, or granted conditionally or on a subsequent application upon an alleged different state of facts, if to be made, it shall be shown by affidavit what application was made, when and to what Judge, what order or decision was made thereon, and what new facts are claimed to be shown; and in case of failure to comply with this requirement, any order made on a subsequent application, may be revoked or set aside on motion.

**Rule 37. Counsel Fees.**—All applications for compensation for extraordinary services rendered in probate proceedings must be accompanied by an itemized statement of services rendered.

**Rule 38. Life Estates, Homesteads and Community Property.**—In all proceedings under Section 1723 of the Code of Civil Procedure where the petition filed prays for a decree terminating a life estate or for a vesting in the surviving spouse of a homestead, notice of hearing thereof shall be given by posting notices for at least ten days before the hearing, in at least three public places in the county, one of which must be at the place where the court is held, and the notices must contain the name of the decedent, the name of the applicant, a description of the property, the date, the book and page of the record of the instrument under which relief is sought.

In cases where a decree is prayed for declaring property of a deceased wife to be community property and vesting the same in the surviving husband, the petition must state the name and residence of each of the persons who would be an heir at law of the deceased wife, the property of the deceased wife and a statement of all credits due to her against the deceased wife, with the name and residence of the debtor, and notice thereof shall be given by the personal service of a citation upon all persons residing within this State named, or by the petition filed to be interested therein, including at least ten days prior to the hearing of said petition, and by the publication of a notice thereof, and in like form as is required in the termination of a life estate or homestead, for at least ten

before the hearing, in a newspaper of general circulation in the county.

**Rule 39. Payments Out of Treasury.**—When money has been paid into the county treasury under the provisions of Sections 1691 and 1703½, or into the State treasury under the provisions of Sections 1693 and 1696, of the Code of Civil Procedure, and a person claims the same, or a part thereof, a petition must be filed by the claimant, for an order on the treasury for payment. Such petition must be placed on the calendar for hearing, and, unless otherwise ordered, notice of the hearing must be given in the same manner as upon the hearing of a final account.

**Rule 40. Surety Company Bonds.**—No bonds or undertakings with corporations as sureties thereon, given pursuant to the provisions of Sections 1056 et seq. of the Code of Civil Procedure, shall be accepted or approved in any case, unless, at the time such bond or undertaking is presented for approval, there shall be on file in the office of the Clerk of this court:

First—A copy, duly certified by the proper authority, of the charter or articles of incorporation of such surety, showing the power of such corporation to become surety on such bond or undertaking;

Second—A copy, duly certified by the proper authority, and attested by the seal of the corporation, of the transcript of record of appointment, entitling or authorizing the person or persons purporting to execute such undertaking or bond for and in behalf of such corporation, to act in the premises;

Third—The certificate, or a copy thereof, duly certified, of the insurance commissioner of the State of California, dated within one year before the presentation of such bond for approval, which certificate shall, by its terms, authorize and empower such corporation to do business in the State of California, and shall certify that such corporation has presented to the insurance commissioner satisfactory evidence that it is a solvent corporation, legally qualified to furnish such bonds as require the approval of a Superior Court, or of a Judge of the Superior Court, within this State.

No such bond or undertaking will be approved or accepted unless the fact of the execution of such bond or undertaking by the officer or agent of the corporation purporting to become surety on such bond or undertaking shall be duly attested and acknowledged before an officer authorized to take and certify acknowledgments. Which certificate shall certify the signature of the officer or agent to be the signature of said officer or agent; *provided, however*, that such notarial certificate shall not be required when the bond shall be executed by such officers and agents in the presence of the Judge approving the same.

**Rule 41. Medical Examiners in Lunacy Cases.**—There shall be not more than forty medical examiners to serve at inquests of lunacy, who shall be appointed by the Judges of the court. Upon such ex-

aminers being appointed in the manner prescribed by law, a list of their names shall be arranged in alphabetical order, and from such list there shall be selected from time to time, in the order in which their names appear upon such list, unless otherwise specially ordered, two of such examiners to serve at each day's examination held. Such examiners shall be notified on the day preceding any such hearing that their attendance will be required, and should any examiner fail to attend through any cause he shall not be called again until his name is reached in the regular order of rotation as hereinbefore prescribed to be followed.

**Rule 42. Phonographic Reporters Pro Tempore for Superior Courts; Their Appointment, Duties and Compensation.**—Sec. 1. Phonographic reporters *pro tempore* may be appointed from time to time by a majority of the Judges. Such reporters shall have the same qualifications and pass the same examination required by law for official reporters of Superior Courts, and shall receive the same compensation as is provided for official reporters. Such reporters shall be listed by the secretary of the Court in the order of their appointment.

Sec. 2. All vacancies in the position of official reporter, either in the several departments or in extra sessions, shall be filled from the list of reporters *pro tempore* in the order of their priority on such list.

Sec. 3. When an official reporter is absent from his Department, with the permission of the court, or the Judge of the Department to which he is assigned, or requires assistance for furnishing daily transcript or other transcript required on short notice, he may call upon another official reporter for such assistance, if one is available. When no official reporter is available, and not otherwise, such assignment shall be made from the list of reporters *pro tempore* in the manner provided in Sec. 4 of this rule, until an official reporter is available.

Sec. 4. To equitably carry out the above provisions, the secretary of the court shall keep an assignment register, showing where all official reporters are on duty, and when and where reporters *pro tempore* have been assigned to duty under this rule. Any official reporter not employed may register in this assignment register. When no official reporter is available such assignments may be made by the secretary of the court from the list of reporters *pro tempore* in the order of their priority on such list. No reporter *pro tempore* shall receive a second assignment until all other reporters *pro tempore* have been tendered an assignment. The assignment register shall be open to the Judges and all official reporters and reporters *pro tempore*.

Sec. 5. When an official reporter or reporter *pro tempore* assists another reporter in reporting a case he shall share equally with such reporter in the *per diem* fee, and shall receive the entire compensation for such portion of the transcript as he furnishes, but in no case shall a reporter receive compensation by way of commission or otherwise in or for any case in which he is not himself actually engaged.

**Rule 3. Appointment of Clerks for Superior Courts, Their Appointment and Duties.**—All clerks of or shorthand reporters of the courts of this State shall be appointed or discharged by a written order signed by a majority of the Judges of said court and not otherwise. Such clerks must have the qualifications and have passed the examination provided for in Section 270 in the C. C. P. It shall also be the duty of the clerk as provided in Section 269 of the C. C. P. to administer the oath in the manner prescribed in Section 270 of the C. C. P. and to subscribe to the oath of office pursuant to the provisions of the C. C. P. Pursuant to this rule, the following persons have been appointed and assigned to the test of competency and have been found to be competent and have heretofore appointed to the position of clerk of the court and are assigned to the following duties:

Reporter in Court 1	E. C. Thompson
Reporter in Court 2	Leo Longley
Reporter in Court 3	Monroe H. Conlee
Reporter in Court 4	N. H. Peterson
Reporter in Court 5	Henry Henderson
Reporter in Court 6	W. N. Tiffany
Reporter in Court 7	J. A. Vaughn
Reporter in Court 8	I. Benjamin
Reporter in Court 9	Edwin M. Williams
Reporter in Court 10	J. Petermichel
Reporter in Court 11	R. N. Smith, Jr.
Reporter in Court 12	John H. Chilcote
Reporter in Court 13	Reporter assigned to presiding judge.

Pursuant to the foregoing rules the following have passed the required examination and have been appointed official reporters pro tem and assigned as follows:

Reporter assigned to Court in Department 12: J. R. Doyle, assigned to Extra Session 1: Charles E. Wood, assigned to Extra Session 2: Charles E. Wood, assigned to Extra Session 3: Alonzo M. Mayne, assigned.

## RULES—JUSTICES' COURT—SAN FRANCISCO.

**Rule 1. Filing and Custody of Pleadings.**—All pleadings and papers required to be filed in said Court shall for that purpose be presented to the Clerk who shall count and then mark the same filed, and place the date of such filing on or upon in the books of said Court, and the date of the filing of such pleading shall remain in the office of the Clerk and shall not be taken therefrom except by order of the Court, and no person shall be allowed to inspect

or handle them or any of them unless by consent of the Clerk, and in his immediate presence.

**Rule 2. Manner of Pleading.**—At any time before the expiration of the time named in the summons within which the defendant is required to answer, the defendant shall be at liberty to enter a special appearance for the purpose of objecting to any irregularity of the proceedings in any respect, and shall state the grounds of his objections briefly in writing, which said objections shall be determined by the Justice before the hearing of the cause upon its merits.

**Rule 3. Demurrer and Answer.**—When a demurrer to a pleading is sustained, the pleading may be amended within such time, not exceeding two days, as the Court may allow, and such amended pleading may be answered or demurred to within such time as the Court may allow, not exceeding two days. When the demurrer to the complaint is overruled, the defendant must answer forthwith, or in such time as the Court may allow, not exceeding two days, except in cases of unlawful detainer; in such cases the defendant must answer forthwith.

When a demurrer to an answer is overruled the action must proceed as if no demurrer had been interposed.

**Rule 4. Day of Trial.**—When all the parties served with process shall have appeared, or some of them have and the remaining defendants have made default, the default of such defendants may be entered by the Justice before whom the case is pending, and upon application of either party fix a day for the trial of said cause, and notice of the setting of said cause for trial shall be given to the adverse party.

**Rule 5. Precedence of Cause on Trial.**—A cause on trial shall take precedence of a cause specially set.

**Rule 6. Calendar of Court.**—The Clerk shall prepare and compile a daily calendar of this Court, and enter the same in a book provided for that purpose. Said book or calendar shall be so kept as to show for each day the causes specially set for trial by the order of any of the Justices.

**Rule 7. Transfers.**—In all cases transferred from one Justice to another for trial, as provided for by Section 833 of the Code of Civil Procedure, such transfer shall not be deemed a postponement of the trial, but the cause shall be reassigned and the trial proceed the same as if no transfer had been made.

**Rule 8. Papers Presented for Filing.**—All papers and pleadings presented to the Clerk of the Court and required to be filed in any action shall be properly indorsed with the title and number of the cause, and must bear the name and address of the attorney or person appearing.

**Rule 9. Service of Pleadings.**—In all cases wherein a written answer, demurrer, or notice of special appearance is filed, the party so filing the same shall serve a copy thereof upon the attorney for the

adverse party, provided such adverse party is represented by an attorney whose office is in the City and County of San Francisco, and, if not so represented, no service need be made; otherwise the same may be stricken out on motion upon notice to be given within such time as may be fixed by the Court, and in case defendant presents an oral answer said defendant must notify the plaintiff or his attorney of such fact, leaving his address.

**Rule 10. Statement of Appeal on Questions of Law.**—The statement and amendments thereto, as provided for by Section 975 of the Code of Civil Procedure, may be served upon the opposite attorney by delivering a copy thereof, but, unless such service is so made, the party preparing the statement, after having filed the same with the Clerk, and had such filing entered and indorsed, shall serve said statement upon the opposite attorney on the same day, who shall prepare his amendments thereto, and shall, within ten days after the receipt of such statement, file his amendments with the Clerk, and, after having such filing entered and indorsed, shall on the same day serve the said amendments with the statement upon the opposite attorney, who shall within five days thereafter give written notice of settlement before the Justice who tried said action, or the amendments shall be deemed to be accepted.

The notice shall not be less than two days nor more than five days. After settlement the statement shall be engrossed by the moving party and filed within five days.

**Rule 11. Setting Aside Default.**—All applications for setting aside defaults, and relief as provided for by Section 859 of the Code of Civil Procedure, shall be heard and determined by the Justice who tried the cause, or his successor.

**Rule 12. Taxation of Costs.**—Unless the costs are taxed at the time of the rendition of judgment the prevailing party, by consent, may within two days thereafter serve upon the adverse party or his attorney, and file with the Clerk of said Court, a written memorandum of his costs and disbursements verified by himself or his attorney, which shall not embrace the percentage allowed by law. Within two days after the service of such bill, or memorandum of costs, the opposite party may give notice to move the Justice before whom said cause was tried, upon a two days' notice in writing, to the adverse party or his attorneys, to retax such costs.

**Rule 13. Stipulations.**—No agreement or consent between the parties or their attorneys in respect to the proceedings in a cause will be regarded by the Court, unless the same shall have been made in open Court and entered, or unless the evidence thereof shall be in writing subscribed by the party against whom the same may be alleged, or by his authority.

**Rule 14. Jury Trials.**—The party demanding a jury trial shall deposit with the Clerk of said Court twenty-four dollars as security for the payment of the fees of said jury, and until such deposit is made

## RULES—POLICE COURT OF SAN

the right to a trial by jury shall be deemed of said jury must be deposited at the beginning of the trial.

**Rule 15. Payment of Fees.**—Before an action is brought, the plaintiff shall pay in advance the trial fee from the Clerk, who shall not deliver the summons until the fee has been paid. Upon the hearing of a demand for a jury presented to the Justice, who shall not hear the case until the trial fee is paid.

**Rule 16. Signing of Orders.**—No orders shall be taken by any of the Justices during the progress of a trial. Such orders must be presented when or before the commencement of a trial at which *ex parte* motions must be made at the above time.

**Rule 17. Transfer of Causes.**—When a case is assigned to a Justice, the same shall not be re-assigned to another Justice without the consent of the Justice to whom assigned, except in cases wherein an affidavit is filed in conformity with the Code regulating the transfer of causes.

**Rule 18. Service of Notice.**—Causes at which a trial is to be had upon the application of either party, and for which a trial must be served on the adverse party, shall be served on the day of trial. All notices of motions must be served two days before the hearing of said motion.

## RULES—POLICE COURT—SAN FRANCISCO

**Rule 1. Numbering and Assignment of Causes.**—In 1911, all cases shall be numbered in regular rotation, commencing at F. 1 and misdemeanors at M. 1, in regular rotation to the respective Departments.

**Reassignment.**—When the calendars have been prepared and sent to the respective Department, the Departmental Clerk shall immediately be informed of the number of each case in each series, and he shall number the cases in regular rotation in accordance with this rule. No Justice shall have authority to change the number of a case, or to reassign a case, without an order signed by all of the Justices of the Department, provided that the Presiding Judge may transfer a case to another with the consent of the Justices of the Department to whom it is to be so transferred.

**Assignments Where Judge is Absent.**—In the absence of a Judge for a period of more than three days, the cases assigned to that Judge or Department shall be assigned to the other Departments then in session.

absence or adjournment. Where several defendants are jointly charged with any offense, but one number shall be used for all such, and in the event that jury trials are demanded in such cases the Judge in whose department they may be shall report the fact to the Presiding Judge, who shall cause a reassignment of the cases to be made in numerical order among the Departments of the court.

**Rule 2. Warrants not Issued Before 11 A. M.**—In order that the conduct of the business of the court may be expedited and the disturbance incident to the issuance of warrants may be curtailed, warrants will not be issued prior to 11 o'clock A. M. on any day, except in cases of great or exceptional urgency. The Warrant and Bond Clerk will so inform all persons applying for warrants.

CHAS. L. WELLER,  
Judge of the Police Court, Dept. 1.  
JOHN J. SULLIVAN,  
Judge of the Police Court, Dept. 2.  
E. P. SHORTALL,  
Judge of the Police Court, Dept. 3.  
DANIEL C. DEASY,  
Judge of the Police Court, Dept. 4.

## **RULES—ATTORNEY GENERAL—LEAVE TO SUE.**

In conformity with the practice heretofore followed by this office in so-called "leave to sue" cases, the following rules have been adopted for the guidance of those who may desire to sue in the name of the people upon the relation of a private person:

**Rule 1. Application for "Leave to Sue."**—The relator will submit to this office his application for "leave to sue," accompanied by:

*Original Verified Complaint.*—(a) Original verified complaint, together with a copy thereof;

*Points and Authorities.*—(b) Points and authorities showing why proposed action should be brought in the name of the people;

*Notice to Defendant.*—(c) A notice directed to defendant to the effect that relator is about to apply for leave to sue in the action therein named, and that defendant may, within ten days from the date of service of such notice, show cause, if any he have, why such "leave to sue" should not be granted.

*Proof of Service upon Defendant.*—(d) Proof of service of such application, complaint, points and authorities, and notice upon the defendant or defendants.

**Rule 2. Defendants to Show Cause.**—Defendants will be allowed ten days (or such further time as may be granted) in which to show cause why the application for "leave to sue" should not be granted.

**Rule 3. Relator to Reply.**—Relator will then be allowed five days (or such further time as may be granted) in which to reply to the showing thus made by defendants.



**Rule 4. Proof of Service.**—Proof of service should accompany all papers submitted to this office under Rules 1, 2 and 3.

**Rule 5. Undertaking.**—If the application for “leave to sue” be granted, the relator must, within ten days after receiving notice of the granting of such leave (unless further time be granted), present to this office an undertaking executed to the State of California in the sum of five hundred dollars, with two good and sufficient sureties, to the effect that the relator will pay any judgment for costs and damages that may be recovered against the plaintiff, and all costs and expenses incurred in the prosecution of the said action. The said bond shall be indorsed by a Judge of the Superior Court of the county wherein the action is to be brought, to the effect that if the bond were presented to said Judge he would accept the sureties therein named for the amount of the undertaking.

**Rule 6. “Leave to Sue” Filed With the Clerk.**—Upon receipt of said undertaking so executed in proper form, the Attorney General will transmit, in writing, to the relator, “leave to sue” in the name of the people, which “leave to sue” should be filed with the Clerk of the court simultaneously with the filing of the complaint.

**Rule 7. Complaint Filed.**—The complaint filed in the action shall be a copy of the proposed complaint hereinbefore referred to, changed or amended as the Attorney General shall suggest or direct, and the relator shall not thereafter in any way change, amend, or alter the said complaint without first consulting the Attorney General.

**Rule 8. Attorney General may Withdraw, Discontinue, Dismiss or Assume Management.**—The Attorney General may at all times, at any and every stage of the said suit, withdraw therefrom and discontinue or dismiss the same, as to him may seem fit and proper; or may, at his option, assume the management of said cause at any stage thereof.

**Rule 9. Relator must Inform Office of Every Proceeding.**—The relator must immediately inform this office of the date of the filing of the complaint, and of the court number thereof, and shall thereafter notify this office without delay, of every proceeding had, motion made, paper filed, or thing done in the action, or in relation thereto, and must send to this office, promptly a copy of every paper or document filed by any of the parties to the action, and when service of any paper in said action is made on the relator by the opposing party, the relator shall secure an additional copy of such paper, which additional copy shall be at once forwarded to this office.<sup>1</sup>

<sup>1</sup> The attention of counsel is especially directed to Rule No. 9, and their strict compliance therewith is earnestly requested. The Attorney General is required to keep a complete record of all proceedings, and cannot do so unless the Rule referred to is continuously observed.

## **RULES—FOR PAROLING OF PRISONERS.**

(Adopted September 27, 1909.)

**Rule 1. Record of Prisoners.**—It shall be the duty of the wardens of the respective prisons at San Quentin and at Folsom to keep a full and accurate record of each prisoner therein confined who may be eligible to parole under the provisions of the law. This record shall include a biographical sketch covering such items as may indicate the causes of the criminal character or conduct of the prisoner, and the advantages and opportunities of education, moral training, employment, etc., enjoyed before arrest by said prisoner; also a personal record showing, so far as possible or practicable, his conduct, demeanor, diligence at labor, and progress in education while confined in such prison; and also a percentage table, indicating the said record of each prisoner, using 100 as a maximum. No prisoner whose record shall not have shown 100 per cent for six (6) consecutive months shall be eligible to parole.

**Rule 2. Report on Applicants.**—Before considering any case for parole, the board will require the written report, recommendation, and opinion of the warden, captain of the yard, and physician at San Quentin, and of the warden, captain of the guard, physician, and turnkey at Folsom, in the cases of prisoners in their respective prisons. Such officers shall report the general conduct and habits of the prisoner, and the probability, in their judgment, of his remaining on parole without violating the law. It shall be the duty of such officers to obtain all the information possible of the antecedents of each and every applicant for parole, together with such statements of the crime committed by the prisoner, and such advice and opinion concerning the advisability of granting a parole, as can be obtained from the judge who tried the case, the district attorney, and counsel for defense. It shall be the duty of such officers to examine into each and every application for parole, and present to the board all available data at as early a date as possible, together with any and all papers, documents, and records necessary for a proper and full consideration of each application, as provided by these rules. It shall be the duty of such officers to carefully examine and scrutinize the records and percentage tables provided for in Rule 1, presenting such records and tables of each eligible prisoner to this board in tabulated form, and indorsing the same as correct and true, or otherwise, as their knowledge and judgment may determine.

**Rule 3. Deposit and Guaranty of Employment.**—No prisoner shall be released on parole until satisfactory evidence shall have been furnished in writing, that employment will be given such prisoner by some responsible and reputable person, or that he will engage in some respectable business for himself. No prisoner shall be released on parole until there shall have been deposited by, or on his behalf, with the warden of the prison in which the prisoner is confined, the sum of \$25.00. In the event of the violation by said prisoner of any of the conditions

## PAROLE RULES.

of his parole, the said sum of \$25.00, and the whole there forfeited by the depositor thereof and shall be retained by : to be used in defraying the expense of arresting and re paroled prisoners who violate the conditions of their p moneys thus forfeited shall constitute a fund to be known as expense fund" and shall be expended for the purposes last a when authorized by a majority of the board; such expendi made by checks signed jointly by the warden and the clerk o to which such expenditures respectively pertain. In all c no such violations occur the entire amount shall be refur depositor on return of receipt, properly indorsed, after fine of said paroled prisoner. In no case shall any prisoner on parole unless there is, in the judgment of the board, ground to believe that he will, if paroled, live and remain without violating the law, and that his release is not incom the welfare of society, nor perverse to the ends of justice.

**Rule 4. Notice of Intention.**—Each applicant shall c published, at least once a week for two successive weeks, i paper of general circulation, published in the county in wh convicted, if such newspaper be published, the fact that he apply for parole; and no application shall be considered by until the statement of the publisher, with copy of notice att have been filed. If no newspaper be published in the county shall be published in a newspaper in an adjoining county.

**Rule 5. Half Term must be Served.**—No application : shall be filed by the clerk until the prisoner shall have serv his sentence, unless for some extraordinary reason the same been recommended in writing by the warden, with his rea for, and ordered filed by the affirmative vote of at least fou of the board.

**Rule 6. Order of Hearings.**—Applicants for parole shall on a calendar in the order of the date on which the comple are filed with the clerk, and such applications shall be hear order, and in no case shall an application be heard out of

**Rule 7. Argument and Solicitation.**—No attorney shall in behalf of any prisoner; nor shall an oral argument be all facts which may be thought to entitle a prisoner to parol stated in writing and filed with the clerk. No oral solicitat kind will be permitted.

**Rule 8. Attorneys.**—Each applicant must file with his : a statement of all sums of money which he has paid or promi directly or indirectly to any attorney or other person for as preparation of papers or other cause, or that any other p paid or promised to pay in his behalf. It is unnecessary t torneys in parole cases, and the board will discourage the

**Rule 9. Life Termers.**—Life termers, and those who ha eight years, solid time, shall be placed on a separate cal

their applications shall be considered in the order in which they are filed with the clerk.

**Rule 10. Vote Necessary for Parole.**—It shall require the affirmative vote of four members of the board to grant a parole or ticket-of-leave, whose names shall be signed to the certificate of parole.

**Rule 11. Rehearings.**—When an application for parole shall be denied the applicant shall not again become eligible to parole until the expiration of one year from the date of such denial, except that a rehearing of such application may be had within such year if recommended by the warden in writing with his reasons for such recommendation.

**Rule 12. Reports of Paroled Prisoners.**—Every paroled prisoner shall be required to subscribe in a book, to be kept for the purpose, his signature. Every paroled prisoner shall report in writing, over his signature, to the parole officer in San Francisco on the first day of every month until released by law. Said report shall be countersigned by the person in whose employ the paroled prisoner may be at the time, if employed by another. In addition to reporting to the said parole officer every paroled prisoner shall also report to either a chief of police, a sheriff of a county, a justice of the peace, a constable, or such other person as the board may designate, in such a manner and at such times as the board may prescribe in each particular case. Said prisoner shall make such additional reports as the board in each particular case may require.

**Rule 13. Violations of Parole and Forfeiture of Credits.**—Every paroled prisoner shall be liable to be retaken and again confined within the prison for any violation of the conditions of his parole, or for any reason that shall be satisfactory to the board; and for any violation of the conditions of his parole, or of any of these rules, or any rules of this prison, the paroled prisoner may forfeit all or any part of his credits, at the sole discretion of the board.

**Rule 14. Credits of Paroled Prisoners.**—The board shall have the power to determine whether a paroled prisoner shall be allowed his credits, to be deducted from his term of sentence, or shall forfeit his credits, for any offense which would cause his credits to be forfeited if confined in prison.

**Rule 15. Amendments.**—No alteration or amendment shall be made to these rules and regulations, unless at least four members of the board vote therefor, and no one of these rules shall be suspended without the unanimous consent of the board when at least four members are present.

**OFFICIAL VOTE—GENERAL ELECTION—NOVEMBER, 1912.**  
**STATE AND COUNTY VOTE.**

Counties.	Voting Precincts in California, 1912.	Total Vote Cast, 1910.	Registra- tion, 1912.	Total Vote Cast, 1912.
Alameda.....	286	35,692	92,835	69,700
Alpine.....	5	76	105	91
Amador.....	27	2,144	3,600	2,656
Butte.....	84	5,991	12,807	9,447
Calaveras.....	34	2,399	3,997	3,281
Colusa.....	26	2,095	3,458	2,981
Contra Costa.....	54	5,741	12,822	8,938
Del Norte.....	8	794	1,177	906
El Dorado.....	35	2,031	3,778	2,841
Fresno.....	142	13,413	30,054	21,748
Glenn.....	20	1,629	3,672	2,604
Humboldt.....	69	6,202	13,289	9,033
Imperial.....	27	226	5,304	3,577
Inyo.....	28	1,449	2,296	1,720
Kern.....	86	6,669	18,396	11,597
Kings.....	28	3,091	5,740	4,186
Lake.....	19	1,464	2,673	2,286
Lassen.....	25	1,205	2,040	1,522
Los Angeles.....	727	68,430	259,115	168,064
Madera.....	29	1,757	3,618	2,644
Marin.....	46	4,288	8,190	6,727
Mariposa.....	21	1,052	1,721	1,274
Mendocino.....	64	4,748	8,750	6,032
Merced.....	36	2,907	6,014	4,553
Modoc.....	23	1,256	2,382	1,837
Mono.....	8	415	539	400
Monterey.....	51	4,840	9,846	7,862
Napa.....	30	4,306	7,926	6,106
Nevada.....	46	3,302	5,716	4,248
Orange.....	59	6,447	17,369	11,420
Placer.....	54	3,501	6,639	4,551
Plumas.....	23	1,110	2,647	1,896
Riverside.....	76	6,017	13,770	10,592
Sacramento.....	105	12,293	29,552	20,056
San Benito.....	124	1,942	3,735	2,787
San Bernardino.....	26	9,338	22,617	16,304
San Diego.....	146	9,481	30,041	22,933
San Francisco.....	464	59,724	134,688	105,646
San Joaquin.....	83	8,955	19,978	14,496
San Luis Obispo.....	43	4,270	7,897	5,906
San Mateo.....	42	4,933	9,399	7,512
Santa Barbara.....	60	4,880	10,864	7,637
Santa Clara.....	132	14,671	34,146	24,209
Santa Cruz.....	50	4,591	9,428	7,526
Shasta.....	55	3,844	7,310	4,911
Sierra.....	21	993	1,514	1,215
Siskiyou.....	66	3,906	7,503	5,204
Solano.....	35	6,029	10,873	8,525
Sonoma.....	91	9,106	20,330	14,990
Stanislaus.....	54	4,498	11,536	8,276
Sutter.....	23	1,635	2,909	2,192
Tehama.....	44	2,533	5,269	3,658
Trinity.....	24	999	1,580	1,063
Tulare.....	86	6,667	13,998	10,599
Tuolumne.....	30	2,508	4,016	2,869
Ventura.....	32	3,619	6,672	5,109
Yolo.....	22	3,589	5,560	4,219
Yuba.....	29	2,102	3,668	2,614
<b>Totals.....</b>	<b>4,283</b>	<b>393,893</b>	<b>987,368</b>	<b>707,776</b>

# **ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.**

Counties.	A. J. Wallace. Republican Progressive.		Thomas F. Griffin. Democrat.		Annie E. K. W. M. Boyd. Socialist. Prohibition.	
	31,542	24,419	9,332	1,160		
Alameda	36	34	2	....		
Alpine	684	1,622	135	57		
Amador	3,365	4,028	930	489		
Butte	750	1,869	399	66		
Calaveras	810	1,760	111	84		
Colusa	3,539	3,290	1,300	181		
Contra Costa	376	323	104	40		
Del Norte	776	1,613	278	49		
El Dorado	8,839	8,891	2,278	590		
Fresno	906	1,325	126	67		
Glenn	3,609	2,887	1,781	177		
Humboldt	1,420	1,295	446	193		
Imperial	431	806	305	77		
Inyo	3,647	5,569	1,300	182		
Kern	1,419	1,967	406	156		
Kings	649	1,118	266	123		
Lake	559	644	148	34		
Lassen	75,593	55,110	19,895	8,190		
Los Angeles	943	1,154	226	89		
Madera	2,750	2,849	733	68		
Marin	306	689	138	17		
Mariposa	2,237	2,507	752	141		
Mendocino	1,571	1,978	441	228		
Merced	608	941	119	45		
Modoc	106	182	67	11		
Mono	3,081	3,392	557	301		
Monterey	2,432	2,662	478	126		
Napa	1,381	1,851	648	111		
Nevada	5,143	4,406	896	852		
Orange	1,913	1,823	481	125		
Placer	762	742	236	30		
Plumas	5,146	2,963	1,036	834		
Riverside	7,534	9,869	1,553	213		
Sacramento	1,054	1,253	179	74		
San Benito	6,202	5,835	1,901	1,233		
San Bernardino	7,922	9,731	2,873	1,139		
San Diego	38,610	48,953	12,354	1,158		
San Francisco	4,314	7,969	995	426		
San Joaquin	2,373	2,248	704	214		
San Luis Obispo	2,825	3,246	827	80		
San Mateo	3,395	2,819	619	357		
Santa Barbara	10,868	9,173	2,068	824		
Santa Clara	3,059	2,875	892	323		
Santa Cruz	1,636	2,040	938	54		
Shasta	483	515	133	13		
Sierra	1,740	2,465	633	104		
Siskiyou	3,353	3,650	781	169		
Solano	5,806	6,500	1,494	367		
Sonoma	3,143	3,127	749	864		
Stanislaus	846	1,063	79	65		
Sutter	1,218	1,595	388	168		
Tehama	343	461	182	9		
Trinity	4,283	4,293	1,233	265		
Tulare	755	1,459	363	38		
Tuolumne	2,055	2,108	426	169		
Ventura	1,332	2,239	301	113		
Yolo	1,132	1,242	186	34		
Yuba						
Totals	283,610	283,436	79,201	23,366		

**FOR REPRESENTATIVES IN CONGRESS.****First Congressional District.**

Counties.	Edward H. Hart. Republican.	William Kent. Progressive.	I. G. Zumwalt. Democrat.	Joseph Bredsteen. Socialist.
Del Norte .....	143	354	228	66
Humboldt .....	1,495	3,264	2,128	1,506
Mendocino .....	1,268	1,802	1,857	542
Glenn .....	412	739	1,141	82
Butte .....	1,566	2,799	3,169	704
Lake .....	321	635	866	194
Colusa .....	347	926	1,408	64
Yuba .....	373	968	1,062	129
Sutter .....	515	585	845	51
Sonoma .....	2,554	5,313	4,718	1,088
Marin .....	1,591	2,956	1,334	466
<b>Totals .....</b>	<b>10,585</b>	<b>20,341</b>	<b>18,756</b>	<b>4,892</b>

**Second Congressional District.**

Counties.	Frank M. Rutherford. Republican.	John E. Raker. Democrat.	J. C. Williams. Socialist.
Modoc .....	230	1,368	70
Siskiyou .....	1,122	2,858	481
Trinity .....	206	620	123
Shasta .....	892	2,753	628
Lassen .....	176	1,096	82
Tehama .....	725	2,115	291
Plumas .....	372	1,147	180
Sierra .....	363	606	104
Nevada .....	1,656	1,782	475
Placer .....	1,433	2,184	383
El Dorado .....	655	1,611	225
Amador .....	696	1,392	122
Calaveras .....	719	1,766	302
Alpine .....	30	51	1
Tuolumne .....	618	1,445	267
Mariposa .....	285	673	84
<b>Totals .....</b>	<b>10,178</b>	<b>23,467</b>	<b>3,818</b>

**Third Congressional District.**

Counties.	C. F. Curry. Republican.	Gilbert McMillan Ross. Democrat.	William L. Wilson. Socialist.
Yolo .....	1,666	1,449	430
Napa .....	3,020	1,446	551
Sacramento .....	12,056	3,546	1,883
Solano .....	4,287	1,977	960
Contra Costa .....	4,141	1,788	1,440
San Joaquin .....	5,890	4,991	1,258
<b>Totals .....</b>	<b>31,060</b>	<b>15,197</b>	<b>6,522</b>

**Fourth Congressional District.**

Counties.	Julius Kahn. Republican.	Bert Schlesinger. Democrat.	Norman W. Pendleton. Socialist.
San Francisco .....	25,515	14,884	5,090
<b>Totals .....</b>	<b>25,515</b>	<b>14,884</b>	<b>5,090</b>

**FOR REPRESENTATIVES IN CONGRESS—Continued.****Fifth Congressional District.**

Counties.	John I. Nolan. Republican.	Stephen V. Costello. Democrat.	E. L. Reguin. Socialist.
San Francisco .....	27,902	18,516	6,962
Totals .....	27,902	18,516	6,962

**Sixth Congressional District.**

Counties.	Joseph R. Knowland. Republican.	Hiram A. Luttrell. Democrat.	J. Stitt Wilson. Socialist.
Alameda .....	35,219	4,135	26,234
Totals .....	35,219	4,135	26,234

**Seventh Congressional District.**

Counties.	James Carson Needham. Republican.	Denver S. Church. Democrat.	J. S. Cato. Socialist.
Stanislaus .....	3,375	2,649	970
Merced .....	1,482	1,835	485
Madera .....	573	1,446	213
Fresno .....	8,054	8,657	2,516
Kings .....	1,810	1,478	364
Tulare .....	4,048	3,680	1,315
Kern .....	3,652	4,007	1,308
Totals .....	22,994	23,752	7,171

**Eighth Congressional District.**

Counties.	Everis A. Hayes. Republican.	James B. Holohan. Democrat.	Robert Whitaker. Socialist.
San Mateo .....	3,324	2,294	839
Santa Cruz .....	2,664	2,955	1,091
Santa Clara .....	11,708	6,610	3,146
San Benito .....	957	1,081	263
Monterey .....	3,271	2,709	781
San Luis Obispo .....	2,355	1,688	796
Santa Barbara .....	3,409	1,851	737
Ventura .....	2,173	1,432	472
Totals .....	29,861	20,620	8,125

**Ninth Congressional District.**

Counties.	Charles W. Bell. Republican.	Thomas H. Kirk. Democrat.	Ralph L. Criswell. Socialist.	George S. Yarnall. Prohibition.
Los Angeles .....	28,845	14,571	11,123	6,510
Totals .....	28,845	14,571	11,123	6,510

**Tenth Congressional District.**

Counties.	William D. Stephens. Republican.	George Ringo. Democrat.	Fred C. Wheeler. Socialist.	Emory D. Martindale. Prohibition.
Los Angeles .....	43,637	17,890	17,126	2,995
Totals .....	43,637	17,890	17,126	2,995



**FOR REPRESENTATIVES IN CONGRESS—Continued.****Eleventh Congressional District.**

Counties.	Samuel O. Evans. Republican.	William Kettner. Democrat.	Noble Asa Richardson. Socialist.	Helen M. Stoddard. Prohibition.
Mono .....	169	93	47	16
San Bernardino .....	5,294	4,541	2,119	1,323
Inyo .....	465	694	259	41
Riverside .....	5,649	2,158	1,019	705
Orange .....	4,443	3,320	896	1,110
San Diego .....	4,426	12,759	2,355	1,327
Imperial .....	980	1,257	364	320
Totals .....	21,426	24,822	7,059	4,842

**SUPERIOR JUDGES.****Alameda County.**

(Two to be elected.)

William H. Donahue.....	38,593
F. B. Ogden.....	45,825
James P. Montgomery.....	16,069
Robert M. Royce.....	12,766

**Fresno County.**

(Two to be elected.)

H. Z. Austin.....	11,874
Herbert F. Briggs.....	7,973
Geo. E. Church.....	8,163
Geo. L. Warlow.....	8,032
Scattering .....	2

**Kings County.**

(One to be elected.)

M. L. Short.....	2,969
H. S. Hampton.....	16

**Los Angeles County.**

(Five to be elected.)

James C. Rives.....	111,389
Paul J. McCormick.....	109,463
Charles Wellborn.....	94,427
Frederick W. Houser.....	89,703
John N. York.....	76,595
J. W. Summerfield.....	57,672
G. Ray Horton.....	55,136
George H. Hutton.....	35,171
William Frederickson.....	21,454
Fred H. Taft.....	13,220
Scattering .....	1,888

**Marin County.**

(One to be elected.)

*Unexpired term—*

Edgar T. Zook.....	5,323
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**Madera County.**

(One to be elected.)

W. M. Conley.....	1,782
A. W. Frederick.....	116
Scattering .....	16

**Modoc County.**

(One to be elected.)

*Unexpired term—*

Clarence A. Raker.....	1,450
Scattering .....	25

**Riverside County.**

(One to be elected.)

F. E. Densmore.....	5,976
T. S. Nightingale.....	3,163
Scattering .....	2

**San Bernardino County.**

(One to be elected.)

Benj. F. Bledsoe.....	5,343
Scattering .....	12

**San Diego County.**

(One to be elected.)

Albert Schoonover.....	8,385
W. A. Sloane.....	10,530
Scattering .....	119

**San Francisco County.**

(Four to be elected.)

James V. Coffey.....	66,763
Daniel C. Deasy.....	37,706
Thomas F. Graham.....	71,443
Wm. P. Lawlor.....	54,980
Edmund P. Mogan.....	60,968
Emil Pohli.....	6,160
Edward P. Shortall.....	54,310
Lucy Goode White.....	12,584

**SUPERIOR JUDGES—Continued.****San Joaquin County.**

(One to be elected.)

C. W. Norton.....	10,307
Scattering .....	14

**Shasta County.**

(One to be elected.)

J. E. Barber.....	3,621
J. G. Estep.....	30

**Tulare County.**

(One to be elected.)

J. A. Allen.....	5,482
Alfred Daggert .....	3,230
L. N. Atwood.....	119
Scattering .....	3

**FOR SENATORS.****First Senatorial District—Del Norte, Humboldt, Trinity, Tehama.**

William Kehoe (Rep.).....	5,064
H. P. Andrews (Dem.).....	4,901
E. W. Weldon (Soc.).....	2,329
Scattering .....	5
William Kehoe's plurality, 163.	

**Third Senatorial District—Plumas, Sierra, Nevada, Placer, El Dorado.**

E. S. Birdsall (Rep.).....	6,303
John A. Livingston (Dem.).....	4,383
A. M. Clark (Soc.).....	1,833
E. S. Birdsall's majority, 87.	

**Fifth Senatorial District—Napa, Solano.**

B. F. Rush (Rep.).....	6,248
Joseph Walsh (Dem.).....	4,854
Alonzo Smith Knight (Soc.).....	1,261
B. F. Rush's majority, 133.	

**Seventh Senatorial District—Sacramento.**

O. G. Hopkins (Rep.).....	6,966
P. C. Cohn (Dem.).....	9,162
Andrew Johnson (Soc.).....	1,610
P. C. Cohn's majority, 586.	

**Ninth Senatorial District—Marin, Contra Costa.**

Sumner Crosby (Rep.).....	5,269
James C. Owens (Dem.).....	6,691
R. Leonhart (Soc.).....	1,862
J. C. Owen's plurality, 1,422.	

**Eleventh Senatorial District—San Mateo, San Benito, Santa Cruz.**

William R. Flint (Rep.).....	8,163
John H. Leonard (Dem.).....	4,782
Ralph H. Smith (Soc.).....	2,182
Scattering .....	1
William R. Flint's majority, 998.	

**Thirteenth Senatorial District—Alameda.**

Edw. K. Strobbridge (Rep.).....	5,529
Benjamin F. Mason (Dem.).....	2,032
C. A. Tobey (Soc.).....	1,858
Edw. K. Strobbridge's majority, 1,639.	

**Fifteenth Senatorial District—Alameda.**

A. H. Breed (Rep.).....	14,309
Richard B. Bell (Dem.).....	5,356
Harold French (Soc.).....	3,805
A. H. Breed's majority, 5,148.	

**Seventeenth Senatorial District—Monterey, San Luis Obispo.**

Alonzo E. Bunker (Rep.).....	4,002
A. E. Campbell (Dem.).....	6,890
A. M. Rayl (Soc.).....	1,043
A. E. Campbell's majority, 1,845.	

**Nineteenth Senatorial District—San Francisco.**

Edward I. Wolfe (Rep.).....	5,499
Edwin E. Grant (Dem.).....	5,594
W. S. Vanderburgh (Soc.).....	574
Scattering .....	1
Grant's plurality, 95.	

**Twenty-first Senatorial District—San Francisco.**

Fred C. Gerdes (Rep.).....	8,833
Joseph J. McShane (Dem.).....	5,857
Emil Liess (Soc.).....	2,737
Fred C. Gerdes' majority, 239.	

**Twenty-third Senatorial District—San Francisco.**

Thos. F. Finn (Rep.).....	4,420
James H. Ferren (Dem.).....	1,696
Rollar Allen (Soc.).....	1,510
Scattering .....	32
Thos. F. Finn's majority, 1,214.	

**FOR SENATORS—Continued.****Twenty-fifth Senatorial District—Ventura, Santa Barbara.**

D. W. Mott (Rep.)..... 4,893  
 B. F. Thomas (Dem.)..... 4,517  
 Mina Dominguez (Soc.)..... 1,070  
 Scattering ..... 2  
 D. W. Mott's plurality, 376.

**Twenty-seventh Senatorial District—Santa Clara.**

Frank H. Benson (Rep.)..... 6,045  
 William Edgar (Dem.)..... 3,532  
 W. W. Dunham (Soc.)..... 1,168  
 Scattering ..... 3  
 Frank H. Benson's majority, 1,342.

**Twenty-ninth Senatorial District—Los Angeles.**

Henry H. Lyon (Rep.)..... 4,168  
 Stephen Monteleone (Dem.)..... 2,159  
 Carl K. Broneer (Soc.)..... 3,697  
 Scattering ..... 9  
 Henry H. Lyon's plurality, 471.

**Thirty-first Senatorial District—Los Angeles.**

Edwin M. Butler (Rep.)..... 10,138  
 Joseph K. Tuttle (Dem.)..... 5,199  
 William Francis Ireland (Soc.).. 4,674  
 Daniel B. Koenig (Prohib.)..... 985  
 Scattering ..... 21  
 Edwin M. Butler's plurality, 471.

**Thirty-third Senatorial District—Los Angeles.**

Prescott F. Cogswell (Rep.)..... 8,355  
 Frank D. Firey (Dem.)..... 5,165

J. B. Rutherford (Soc.)..... 1,707  
 Loring A. Pickering (Prohib.)... 2,727  
 Scattering ..... 10  
 Prescott F. Cogswell's plurality, 3,190.

**Thirty-fifth Senatorial District—Los Angeles.**

Newton W. Thompson (Rep.).... 7,570  
 Philip F. Dodson (Dem.)..... 5,140  
 Harry J. L. Atwood (Soc.)..... 4,957  
 Scattering ..... 35  
 Newton W. Thompson's plurality, 2,430.

**Thirty-sixth Senatorial District—Los Angeles.**

William J. Carr (Ind.)..... 11,139  
 P. H. Quinn (Ind.)..... 3,720  
 Scattering ..... 48  
 William J. Carr's majority, 7,371.

**Thirty-seventh Senatorial District—Los Angeles.**

William E. Brown (Rep.)..... 9,014  
 Herbert T. Muzzy (Dem.)..... 5,014  
 James R. Townsend (Soc.)..... 3,096  
 Scattering ..... 7  
 William E. Brown's majority, 897.

**Thirty-ninth Senatorial District—Riverside, Orange, Imperial.**

John N. Anderson (Rep.)..... 10,799  
 Louis Paul Hart (Dem.)..... 6,484  
 George Bauer (Soc.)..... 2,318  
 F. D. Ashleigh (Prohib.)..... 2,006  
 Scattering ..... 4  
 John N. Anderson's plurality, 4,315.

**FOR MEMBERS OF THE ASSEMBLY.****First Assembly District—Del Norte, Siskiyou.**

L. F. Coburn (Rep.)..... 1,797  
 William B. Shearer (Dem.)..... 2,473  
 Otto L. Haese (Soc.)..... 899  
 Scattering ..... 2  
 Coburn's majority, 676.

**Second Assembly District—Humboldt.**

H. C. Nelson (Rep.)..... 3,715  
 W. F. Harris (Dem.)..... 1,360  
 George Keeling (Soc.)..... 2,555  
 Scattering ..... 1  
 Nelson's majority, 1,160.

**Third Assembly District—Shasta, Trinity.**

C. William White (Rep.)..... 2,223

Timothy D. Goodman (Dem.)... 1,863  
 D. N. Cunningham (Soc.)..... 1,007  
 White's plurality, 360.

**Fourth Assembly District—Plumas, Lassen, Modoc, Sierra.**

A. F. Shartel (Rep.)..... 2,333  
 H. D. Semans (Dem.)..... 2,206  
 C. M. Goodhue (Soc.)..... 621  
 Scattering ..... 1  
 Shartel's plurality, 127.

**Fifth Assembly District—Tehama, Glenn, Colusa.**

James King Kendrick (Rep.).... 2,526  
 Harry Polsley (Dem.)..... 4,210  
 F. A. Hersey (Soc.)..... 578  
 Scattering ..... 1  
 Polsley's majority, 1,105.

**FOR MEMBERS OF THE ASSEMBLY—Continued.****Sixth Assembly District—Mendocino.**

Horace Fremont Milliken (Rep.) 1,860  
 T. J. Weldon (Dem.) 2,434  
 E. S. Scott (Soc.) 1,167  
 Scattering 2  
 Weldon's plurality, 574.

**Seventh Assembly District—Butte.**

G. O. Miller (Rep.) 2,479  
 John H. Guill, Jr. (Dem.) 3,499  
 A. C. Mastellar (Soc.) 868  
 William J. Van Orsdel (Prohib.) 662  
 Guill's plurality, 1,020.

**Eighth Assembly District—Yuba, Sutter, Yolo.**

J. A. Murray (Rep.) 3,509  
 Lawrence H. Wilson (Dem.) 3,293  
 August Dahler (Soc.) 655  
 Murray's plurality, 216.

**Ninth Assembly District—Nevada, Placer.**

Edwin C. Gaylord (Rep.) 3,011  
 George B. Finnegan (Dem.) 3,628  
 Geo. Heffner (Soc.) 942  
 Finnegan's plurality, 617.

**Tenth Assembly District—Solano.**

Walter S. Thompson (Rep.) 2,131  
 W. S. Killingsworth, Sr. (Dem.) 3,027  
 Conrad Rump (Soc.) 727  
 C. J. Uhl (Ind.) 1,729  
 Killingsworth's plurality, 896.

**Eleventh Assembly District—Napa, Lake.**

Wallace Rutherford (Rep.) 2,752  
 James M. Palmer (Dem.) 3,676  
 James Mason (Soc.) 572  
 Scattering 2  
 Palmer's majority, 350.

**Twelfth Assembly District—Sonoma.**

James W. Hamilton (Rep.) 2,358  
 G. W. Libby (Dem.) 3,269  
 Richard Corbett (Soc.) 721  
 Libby's majority, 411.

**Thirteenth Assembly District—Sonoma.**

Lucien E. Fulwider (Rep.) 2,246  
 H. W. Slater (Dem.) 3,741  
 Niles F. Spencer (Soc.) 564  
 Scattering 5  
 Slater's majority, 926.

**Fourteenth Assembly District—Sacramento.**

J. M. Inman (Rep.) 4,373  
 D. E. Wiley (Dem.) 3,052  
 Howard Nealy Mitchell (Soc.) 871  
 Inman's majority, 450.

**Fifteenth Assembly District—Sacramento.**

J. Fontaine Johnson (Rep.) 3,592  
 Hugh B. Bradford (Dem.) 4,135  
 Herman Schoech (Soc.) 675  
 Bradford's plurality, 543.

**Sixteenth Assembly District—Amador, El Dorado, Alpine, Calaveras.**

F. G. Stevenot (Rep.) 2,701  
 Will A. Dower (Dem.) 4,207  
 D. W. Thorne (Soc.) 627  
 Scattering 1  
 Dower's majority, 878.

**Seventeenth Assembly District—Marin.**

Charles W. Byrnes (Rep.) 3,267  
 T. S. Malone (Dem.) 992  
 C. C. Edwards (Soc.) 1,621  
 Byrnes' majority, 654.

**Eighteenth Assembly District—Contra Costa.**

T. D. Johnston (Rep.) 3,694  
 Edw. M. Hasey (Dem.) 2,196  
 John Dahlstrom (Soc.) 1,336  
 Johnston's majority, 160.

**Nineteenth Assembly District—San Joaquin.**

Elisha R. Lawrence (Rep.) 1,517  
 J. W. Stuckenbruck (Dem.) 4,029  
 M. H. Steely (Soc.) 525  
 Stuckenbruck's majority, 1,987.

**Twentieth Assembly District—San Joaquin.**

E. H. McGowan (Rep.) 2,616  
 W. C. Wall (Dem.) 3,257  
 R. A. Hawley (Soc.) 432  
 Wall's majority, 209.

**Twenty-first Assembly District—San Francisco.**

Walter A. McDonald (Rep.) 2,896  
 James W. Farrell (Dem.) 1,491  
 Isaac Sturza (Soc.) 1,030  
 McDonald's majority, 375.

**Twenty-second Assembly District—San Francisco.**

William P. Kennedy (Rep.) 1,495  
 John J. Ford, Jr. (Dem.) 1,680  
 Carl F. Loschenkohl (Soc.) 609  
 Ford's plurality, 185.

**Twenty-third Assembly District—San Francisco.**

James J. Ryan (Rep.) 2,105  
 John Joseph Bogue (Dem.) 1,981  
 Herman E. Doyal (Soc.) 1,624  
 Ryan's plurality, 124.

**FOR MEMBERS OF THE ASSEMBLY—Continued.****Twenty-fourth Assembly District—San Francisco.**

William M. Collins (Rep.)..... 3,502  
 George M. Wilson (Dem.)..... 1,789  
 Louis I. Fortin (Soc.)..... 1,301  
 Collins' majority, 412.

**Twenty-fifth Assembly District—San Francisco.**

George M. Hench (Rep.)..... 3,052  
 William C. McCarthy (Dem.).... 3,768  
 Michael F. Heaney (Soc.)..... 1,029  
 McCarthy's plurality, 716.

**Twenty-sixth Assembly District—San Francisco.**

William B. Bush (Rep.)..... 5,810  
 Ray Elric Brouillet (Dem.)..... 3,289  
 Mads Peter Christensen (Soc.)... 1,711  
 Bush's majority, 810.

**Twenty-seventh Assembly District—San Francisco.**

J. E. White (Rep.)..... 3,246  
 Edward P. Walsh (Dem.)..... 4,566  
 Helen Willsey Hall (Soc.)..... 615  
 Walsh's majority, 705.

**Twenty-eighth Assembly District—San Francisco.**

Wm. S. Scott (Rep.)..... 4,355  
 Walter T. Lyon (Dem.)..... 2,802  
 Lizzie Robe (Soc.)..... 755  
 Scott's majority, 798.

**Twenty-ninth Assembly District—San Francisco.**

George A. Wentworth (Rep.).... 3,209  
 Ignatius A. Richardson (Dem.)... 3,381  
 K. J. Doyle (Soc.)..... 1,415  
 Scattering ..... 2  
 Richardson's plurality, 172.

**Thirtieth Assembly District—San Francisco.**

Edward J. D. Nolan (Rep.)..... 4,843  
 T. E. Strong (Dem.)..... 2,513  
 Thomas P. D. Gray (Soc.)..... 1,226  
 Scattering ..... 3  
 Nolan's majority, 1,101.

**Thirty-first Assembly District—San Francisco.**

Milton L. Schmitt (Rep.)..... 4,875  
 George Douglas Wise (Dem.).... 2,596  
 Adelheid Oswald (Soc.)..... 584  
 Schmitt's majority, 1,695.

**Thirty-second Assembly District—San Francisco.**

John Gillson (Rep.)..... 3,678  
 Arthur L. Shannon (Dem.)..... 3,757  
 Allen K. Gifford (Soc.)..... 695  
 Shannon's plurality, 79.

**Thirty-third Assembly District—San Francisco.**

Victor J. Canepa (Rep.)..... 2,363  
 John Angus Macaulay (Dem.).... 1,804  
 Salvatore Schiro (Soc.)..... 400  
 Canepa's majority, 159.

**Thirty-fourth Assembly District—Alameda.**

A. A. Rogers (Rep.)..... 2,480  
 George Beck (Dem.)..... 2,698  
 O. A. Shaw (Soc.)..... 746  
 Beck's plurality, 218.

**Thirty-fifth Assembly District—Alameda.**

Alfred Morgenstern (Rep.)..... 4,397  
 E. D. Bue (Dem.)..... 1,653  
 E. A. Larkin (Soc.)..... 2,144  
 Morgenstern's majority, 600.

**Thirty-sixth Assembly District—Alameda.**

Frank M. Smith (Rep.)..... 3,892  
 Henry H. McPike (Dem.)..... 3,020  
 J. E. Cofer (Soc.)..... 2,016  
 Smith's plurality, 872.

**Thirty-seventh Assembly District—Alameda.**

William C. Clark (Rep.)..... 5,384  
 James K. Moffitt (Dem.)..... 2,203  
 P. B. Cowdery (Soc.)..... 1,149  
 Clark's majority, 2,032.

**Thirty-eighth Assembly District—Alameda.**

Daniel Ferguson (Rep.)..... 2,789  
 John R. Kelly (Dem.)..... 1,080  
 H. C. Tuck (Soc.)..... 1,300  
 Ferguson's majority, 409.

**Thirty-ninth Assembly District—Alameda.**

George Fitzgerald (Rep.)..... 3,156  
 J. W. McMannis (Dem.)..... 821  
 H. G. Strowenans (Soc.)..... 2,270  
 Fitzgerald's majority, 65.

**FOR MEMBERS OF THE ASSEMBLY—Continued.****Fortieth Assembly District—Alameda.**

George Gelder (Rep.).....	3,440
C. F. Fraser (Dem.).....	1,751
W. M. Bartlett (Soc.).....	2,159
Gelder's plurality, 1,281.	

**Forty-first Assembly District—Alameda.**

C. C. Young (Rep.).....	5,630
Wm. A. Powell (Dem.).....	2,507
Elvina S. Beals (Soc.).....	1,486
Young's majority, 1,637.	

**Forty-second Assembly District—San Mateo.**

Henry Ward Brown (Rep.).....	3,374
E. J. Crane (Dem.).....	1,958
Hy. Meyer (Soc.).....	896
Brown's majority, 1,520.	

**Forty-third Assembly District—Santa Cruz.**

D. D. Bowman (Rep.).....	2,663
John B. Maher (Dem.).....	2,566
Cora P. Wilson (Soc.).....	1,190
Scattering .....	1
Bowman's plurality, 97.	

**Forty-fourth Assembly District—Santa Clara.**

L. D. Bohnett (Rep.).....	5,721
William M. Hines (Dem.).....	3,897
Paul Lambert (Soc.).....	1,127
Scattering .....	5
Bohnett's majority, 692.	

**Forty-fifth Assembly District—Santa Clara.**

D. R. Hayes (Rep.).....	4,573
Elijah Miller (Dem.).....	3,991
Jennie Arnott (Soc.).....	1,102
Scattering .....	5
Hayes' plurality, 582.	

**Forty-sixth Assembly District—Stanislaus.**

Walter H. Killam (Rep.).....	1,948
David W. Tulloch (Dem.).....	3,072
W. B. Harvey (Soc.).....	641
S. C. Gibson (Prohib.).....	1,473
Tulloch's plurality, 1,124.	

**Forty-seventh Assembly District—Mariposa, Tuolumne, Inyo, Mono.**

Geo. A. Clarke (Rep.).....	2,598
J. A. Van Harlingen (Dem.).....	1,995
Mary M. McNeill (Soc.).....	646
Scattering .....	2
Clarke's plurality, 603.	

**Forty-eighth Assembly District—Monterey, San Benito.**

William Sandholdt, Jr. (Rep.)...	3,191
J. K. Alexander (Dem.).....	4,806
S. G. Button (Soc.).....	955
Scattering .....	2
Alexander's majority, 658.	

**Forty-ninth Assembly District—Merced, Madera.**

George Marchbank (Rep.).....	2,247
J. J. Griffin (Dem.).....	2,961
O. H. Cole (Soc.).....	743
Scattering .....	2
Griffin's plurality, 714.	

**Fiftieth Assembly District—Fresno.**

W. F. Chandler (Rep.).....	2,309
W. H. Kerr (Dem.).....	1,774
Christian Christensen (Soc.).....	749
Don A. Allen (Prohib.).....	352
Scattering .....	4
Chandler's plurality, 535.	

**Fifty-first Assembly District—Fresno.**

W. A. Sutherland (Rep.).....	3,113
Henry Hawson (Dem.).....	2,988
Walter C. Coston (Soc.).....	765
Scattering .....	1
Sutherland's plurality, 125.	

**Fifty-second Assembly District—Fresno.**

L. B. Cary (Rep.).....	2,963
F. E. Jones (Dem.).....	2,734
Dr. O. W. Osteinwand (Soc.).....	186
Scattering .....	3
Cary's majority, 40.	

**Fifty-third Assembly District—San Luis Obispo.**

A. B. Green (Rep.).....	2,695
Mary Ella Riddle (Dem.).....	1,471
J. M. Emmert (Soc.).....	751
Green's majority, 473.	

**Fifty-fourth Assembly District—King.**

R. A. Moore (Rep.).....	1,639
J. W. Guiberson (Dem.).....	1,664
C. J. Snyder (Soc.).....	326
Guiberson's plurality, 25.	

**Fifty-fifth Assembly District—Tulare.**

G. W. Wyllie (Rep.).....	3,973
Aubrey M. Lumley (Dem.).....	3,840
Peter Schulp (Soc.).....	1,294
Wyllie's plurality, 133.	

**FOR MEMBERS OF THE ASSEMBLY—Continued.****Fifty-sixth Assembly District—Kern.**

Fred J. Crease (Rep.).....	3,475
William E. Simpson (Dem.).....	5,231
I. T. Sharp (Soc.).....	1,101
Simpson's majority, 655.	

**Fifty-seventh Assembly District—San Bernardino.**

George H. Johnson (Rep.).....	2,891
J. L. McMinn (Dem.).....	2,230
L. Wm. Gurr (Soc.).....	1,140
J. M. Hartley (Prohib.).....	693
Johnson's plurality, 661.	

**Fifty-eighth Assembly District—San Bernardino.**

James E. Cram (Rep.).....	2,911
Evan G. Evans (Dem.).....	1,962
Edward J. Roher (Soc.).....	755
S. T. Martin (Prohib.).....	566
Cram's plurality, 919.	

**Fifty-ninth Assembly District—Santa Barbara.**

C. L. Preisker (Rep.).....	2,946
Henry C. Bagby (Dem.).....	3,089
J. H. Hoback (Soc.).....	505
Scattering .....	5
Bagby's plurality, 143.	

**Sixtieth Assembly District—Ventura.**

Thomas G. Gabbert (Rep.).....	2,104
W. E. Shepherd (Dem.).....	1,738
J. M. Mathews (Soc.).....	397
Gabbert's plurality, 366.	

**Sixty-first Assembly District—Los Angeles.**

W. A. Roberts (Rep.).....	3,682
Daniel S. Hammack (Dem.).....	2,365
P. D. Noel (Soc.).....	1,656
Enoch A. Holtwick (Prohib.)....	696
Charles H. Randall (Ind.).....	2,782
Scattering .....	5
Roberts' plurality, 900.	

**Sixty-second Assembly District—Los Angeles.**

Freman H. Bloodgood (Rep.)....	4,755
Force Parker (Dem.).....	2,392
Herman H. Holtkamp (Soc.).....	1,220
Etta B. Taft (Prohib.).....	488
Scattering .....	2
Bloodgood's majority, 653.	

**Sixty-third Assembly District—Los Angeles.**

Henry Stanley Benedict (Rep.)..	7,117
John W. Satterwhite (Dem.)....	3,202
Sallie E. Bowman (Soc.).....	1,347
Wiley J. Phillips (Prohib.).....	640
Scattering .....	12
Benedict's majority, 1,916.	

**Sixty-fourth Assembly District—Los Angeles.**

Frank E. Woodley (Rep.).....	5,440
Troy Edward Burns (Dem.).....	3,082
L. Gilbert Wilhite (Soc.).....	1,867
Scattering .....	3
Woodley's majority, 488.	

**Sixty-fifth Assembly District—Los Angeles.**

J. Henry Baetz (Rep.).....	1,182
J. Scott Allen (Dem.).....	1,068
C. W. Kingsley (Soc.).....	1,534
Scattering .....	2
Kingsley's plurality, 352.	

**Sixty-sixth Assembly District—Los Angeles.**

Thomas L. Ambrose (Rep.).....	3,064
Benjamin F. Groves (Dem.).....	1,902
William J. Coady (Soc.).....	2,591
Scattering .....	24
Ambrose's plurality, 473.	

**Sixty-seventh Assembly District—Los Angeles.**

Howard J. Fish (Rep.).....	4,573
Clark McLain (Dem.).....	1,583
Samuel C. Ramage (Soc.).....	1,017
Gabrella T. Stickney (Prohib.)..	2,139
Scattering .....	2
Fish's plurality, 2,434.	

**Sixty-eighth Assembly District—Los Angeles.**

W. A. Johnstone (Rep.).....	3,956
Barnard Hartley (Dem.).....	1,645
E. B. Johnson (Soc.).....	689
Henry L. Kuhns (Prohib.).....	1,910
Scattering .....	2
Johnstone's plurality, 2,046.	

**Sixty-ninth Assembly District—Los Angeles.**

Egbert J. Gates (Rep.).....	4,322
Fred A. Young (Dem.).....	2,118
B. R. Brainard (Soc.).....	1,786
Alice P. Woertendyke (Prohib.)..	1,750
Scattering .....	9
Gates' plurality, 2,204.	

**FOR MEMBERS OF THE ASSEMBLY—Continued.****Seventieth Assembly District—Los Angeles.**

John H. Strine (Rep.).....	4,019
Charles L. Soyster (Dem.).....	2,920
Charles H. Dodd (Soc.).....	966
Jesse W. Robinson (Prohib.)....	1,319
Strine's plurality, 1,099.	

**Seventy-first Assembly District—Los Angeles.**

Elijah A. Emmons (Rep.).....	3,187
Ed. O. Bailey (Dem.).....	1,855
Alexander Kane (Soc.).....	3,118
Lucy D. Wilhoite (Prohib.).....	466
Scattering .....	8
Emmons' plurality, 69.	

**Seventy-second Assembly District—Los Angeles.**

Arthur G. Kuck (Rep.).....	6,024
T. B. Crane (Dem.).....	3,348
A. M. Salyer (Soc.).....	1,508
Newton Hogan (Prohib.).....	925
Scattering .....	9
Kuck's majority, 234.	

**Seventy-third Assembly District—Los Angeles.**

Howard A. Peairs (Rep.).....	3,284
S. M. Smyser (Dem.).....	1,870
George W. Downing (Soc.).....	3,017
Horace J. Winslow (Prohib.)....	591
Scattering .....	3
Peairs' plurality, 267.	

**Seventy-fourth Assembly District—Los Angeles.**

Frank H. Mouser (Rep.).....	3,002
Claud E. Sheckels (Soc.).....	2,617
L. C. Haller (Soc.-Lab.).....	786
Scattering .....	12
Mouser's plurality, 385.	

**Seventy-fifth Assembly District—Los Angeles.**

Lyman Farwell (Rep.).....	5,664
Emmet Wilson (Dem.).....	3,154
Albert J. Peterson (Soc.).....	1,209
Scattering .....	9
Farrell's majority, 1,292.	

**Seventy-sixth Assembly District—Orange.**

Hans V. Weisel (Rep.).....	4,450
I. D. Mills (Dem.).....	3,420
J. H. Stewart (Soc.).....	870
W. T. Mitchell (Prohib.).....	969
Weisel's plurality, 1,030.	

**Seventy-seventh Assembly District—Riverside.**

William H. Ellis (Rep.).....	4,694
Robert M. Irving (Dem.).....	2,336
S. S. Samuels (Soc.).....	1,098
Joseph Jarvis (Prohib.).....	928
Ellis' majority, 332.	

**Seventy-eighth Assembly District—Imperial.**

H. W. Morehouse (Rep.).....	1,440
Jas. W. Glassford (Dem.).....	1,108
J. W. Kramer (Prohib.).....	193
Scattering .....	1
Morehouse's majority, 138.	

**Seventy-ninth Assembly District—San Diego.**

E. C. Hinkle (Rep.).....	6,864
Edward T. Lannon (Dem.).....	3,307
Kasper Bauer (Soc.).....	2,083
Irving H. Skinner (Prohib.)....	612
Hinkle's majority, 862.	

**Eightieth Assembly District—San Diego.**

Fred E. Judson (Rep.).....	3,424
George C. Tyler (Soc.).....	1,220
E. E. Lowe (Prohib.).....	1,071
Scattering .....	1
Judson's majority, 1,132.	



# **CONSTITUTIONAL AMENDMENTS, INITIATIVE AND REFERENDUM PROPOSITIONS.**

S. C. A. No. 3.		A. C. A. No. 3.		Referendum Petition.		
To propose to the people of the State of California an amendment to section 161, of article XI, of the constitution, relating to the deposit of moneys belonging to the state, etc.		To propose to the people of the State of California an amendment to the constitution of the state by amending section 7 of article IX thereof, relating to boards of education, free text-books, etc.		An act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters.		
Yes.	No.	Yes.	No.	Yes.	No.	
Totals .....	307,199	128,411	343,443	171,486	145,924	255,051

Referendum Petition.		Referendum Petition.		Initiative Measure.		
An act to amend section 4282 of the Political Code of California relating to the salaries and fees of officers in counties of the third class, etc.		An act to amend section 4018 of the Political Code of California relative to the officers of a county, etc.		Proposing to amend section 7 of article XI of the constitution of the State of California, relating to the formation of consolidated city and county governments, etc.		
Yes.	No.	Yes.	No.	Yes.	No.	
Totals . . . . .	135,303	254,327	142,729	246,818	174,076	280,465

Initiative Measure.		Initiative Measure.	
An act to prohibit book-making and pool-selling, and to provide for the appointment of a state racing commission to grant licenses for horse racing, etc.		Proposition to amend article XIII of the constitution of the State of California by the adding of a new section to said article, to be designated and numbered as section 8½ of said article, relating to taxation by counties, cities and counties, cities, towns, districts and townships, etc.	
Yes.	No.	Yes.	No.
Totals.....	149,864	353,070	169,321 243,959

## TABLE OF MUNICIPAL ELECTION DATES AND COMMENCEMENT OF OFFICIAL TERMS.

Name.	Election.	Year.	Official Term Begins.	Year.
Alameda.....	2d Monday in April.....	odd	3d Monday in April.....	odd
Berkeley.....	1st and 4th Saturdays in April.....	odd	July 1.....	odd
Eureka.....	3d Monday in June.....	odd	2d Monday in July.....	odd
Fresno.....	2d Monday in April (quadrennially)	odd	First Monday after election.....	odd
Grass Valley.....	3d Monday in May.....	odd	2d Monday in July.....	odd
Long Beach.....	2d Tuesday in November.....	odd	1st Monday after Jan. 1.....	even
	Second election 3 weeks later.			
Los Angeles.....	1st Tuesday in June.....	odd	1st Monday in July.....	odd
Los Angeles primary.....	1st Tuesday in May.....	odd		
Marysville.....	3d Monday in March.....	even	1st Monday in April.....	even
Modesto.....	2d and 4th Tuesdays in April.....	odd	1st Monday in May.....	odd
Monterey.....	2d Monday in April.....	odd	1st Monday in May.....	odd
Nevada City.....	1st Monday in May.....	ann.	Within 10 days after election.....	ann.
Napa.....	1st Monday in May.....	odd	1st Monday in June.....	odd
Oakland.....	3d Tuesday in April.....	odd	July 1.....	odd
Palo Alto.....	2d Monday in May.....	odd	July 1.....	odd
Pasadena.....	1st Thursday in April.....	odd	1st Monday in May.....	odd
	Primary election 3 weeks before.			
Petaluma.....	2d Tuesday in June.....	odd	1st Monday in July.....	odd
Pomona.....	1st Monday in April.....	odd	1st Monday after election.....	odd
Richmond.....	2d Monday in May.....	odd	July 1.....	odd
Richmond School.....	1st Saturday in May.....	even	July 1.....	even
Riverside.....	3d Tuesday in November.....	odd	1st Monday in January.....	even
	1st Saturday in May and.....	ann.	July 1.....	ann.
Sacramento.....	2d Saturday after official declaration of canvass.			
Salinas.....	1st Monday in June.....	odd	1st Monday in July.....	odd
San Bernardino.....	2d Monday in April.....	odd	2d Monday in May.....	odd
San Diego.....	Tuesday after 1st Monday in April	odd	1st Monday in May.....	odd
San Diego primary.....	2d Tuesday prec. gen'l municipal election.			
San Francisco.....	1st Tuesday after 1st Monday in November.....	odd	1st Monday after Jan. 1.....	even
San Francisco primary.....	Last Tuesday in September.....	odd		
San Jose.....	3d Monday in May.....	even	1st Monday in July.....	even
San Luis Obispo.....	1st Monday in April.....	odd	May 15.....	odd
Santa Barbara.....	1st Tuesday in December.....	odd	1st Monday in January.....	even
Santa Clara.....	1st Monday in April.....	ann.	1st Monday in July.....	ann.
Santa Cruz.....	Tuesday after 1st Monday in May.....	odd	1st Monday in July.....	odd
	and second Tuesday thereafter.			
Santa Monica.....	1st Tuesday in December.....	odd	1st Monday in January.....	even
San Rafael.....	2d Monday in April.....	odd	Monday after election.....	odd
Santa Rosa.....	1st Tuesday in April.....	even	3d Tuesday in April.....	even
Stockton.....	1st and 3d Tuesdays in October.....	even	1st Monday in January.....	odd
Vallejo.....	1st and 3d Tuesdays in April.....	odd	July 1.....	odd
Watsonville.....	2d Monday in May.....	odd	Monday succeeding election.....	odd

## SYNOPSIS OF ELECTION LAWS.

State elections must be held on the first Tuesday after the **first Monday in November** in even-numbered years. (Pol. C. 1041.)

Governor must issue election proclamation at least **30 days** before a general election and **10 days** before a special election. (Pol. C. 1053.)

Board of Supervisors must publish and post Governor's proclamation at least **10 days** before general or special election. (Pol. C. 1055.)

Board of Supervisors may publish and post proclamation for special election to fill vacancy in legislature for not more than **5 days**. (Pol. C. 1055.)

Board of Supervisors must when a special election is called by them issue proclamation and publish and post in **same manner** as proclamations by Governor. (Pol. C. 1056.)

Executive committee of political party must protest appointment of election commissioners in San Francisco, within **10 days** after appointment. (Pol. C. 1075.)

Election commissioners and secretary must qualify within **15 days** after appointment. (Pol. C. 1076.)

Naturalization must be completed **90 days** before election. (Pol. C. 1083.)

Voter must reside in county **90 days** and precinct **30 days** before election. (Pol. C. 1083.)

New registration begins on **January 1** in each even-numbered year. (Pol. C. 1094.)

Registration closes **30 days** before election. (Pol. C. 1094.)

Old registration may be used for municipal and special elections held between **January 1** and **April 1** in even-numbered years. (Pol. C. 1094.)

District registration must be permitted in San Francisco for **5 days** immediately preceding the close of registration for September primary. (Pol. C. 1094.)

Citation may issue to voter in San Francisco to correct former place of residence in former registrations within **10 days**. (Pol. C. 1094.)

Voter residing in lodgings may be cited to verify his vote on **5 days'** notice. (Pol. C. 1094.)

Certified copy of challenge lists of voters registered from lodgings must be mailed to inspectors at least **3 days** before election. (Pol. C. 1094.)

Naturalized citizen need not produce papers nor make affidavit of loss if he has registered in same county within **8 years**. (Pol. C. 1097.)

Registration affidavits must be preserved at least **5 years**. (Pol. C. 1103.)

County clerk must examine records of courts and ascertain persons whose registration must be canceled by reason of commission of crime, in the **first week of September**. (Pol. C. 1106.)

County clerk must furnish registrars of voters with list of convictions before **1st day of September** and registrar must cancel registrations in **first week in September**. (Pol. C. 1106a.)

Clerk must bind affidavits of registration within **5 days** after close of registration. (Pol. C. 1113.)

Clerk must index register within **5 days** thereafter. (Pol. C. 1115.)

Clerk must deliver duplicate book of affidavits and 5 copies of index to precinct board **before the day of election**. (Pol. C. 1116.)

Registration for municipal or special elections shall be in progress at all times except during the **30 days** immediately preceding. (Pol. C. 1120.)

Board of Supervisors or Election Commissioners must appoint election board and designate polling places **25 days** before election. (Pol. C. 1131.)

Names of election boards must be published for **two successive issues**, the last publication to be **1 week before election**. (Pol. C. 1142.)

Polls must be kept open from **6 A. M.** to **7 P. M.** (Pol. C. 1160.)

Certificates of nomination required to be filed with the Secretary of State must be filed not more than **60** nor less than **35 days** before election. (Pol. C. 1192.)

Certificate of nomination required to be filed with county clerk or city clerk must be filed not more than **50** nor less than **20 days** before election. (Pol. C. 1192.)

Certificates of nomination must be preserved for **2 years**. (Pol. C. 1191.)

Arguments upon proposed constitutional amendments must be forwarded to Secretary of State within **1 year** after adjournment of legislature. (Pol. C. 1195.)

Secretary of State certifies propositions to be submitted to county clerks not less than **25 days** before next ensuing election. (Pol. C. 1195.)

Secretary of State furnishes county clerks with printed copies of amendments, statements and propositions for mailing, at least **30 days** before election. (Pol. C. 1195.)

County clerks mail proposed amendments and propositions and statements to voters **at the same time** as sample ballots. (Pol. C. 1195.)

Request to Secretary to prepare a ballot title for constitutional amendment or proposition to be submitted must be filed with Secretary of State **130 days** before the election. (Pol. C. 1197.)

Secretary of State to transmit copy of proposed amendment or proposition to Attorney General **forthwith**. (Pol. C. 1197.)

Attorney General provides and returns ballot title to Secretary of State within **10 days**. (Pol. C. 1197.)

Secretary of State to give notice of preparation and copy of ballot title to persons who have requested its preparation immediately **on receipt thereof** from the Attorney General. (Pol. C. 1197.)

Objections to ballot title must be filed with Secretary of State within **10 days** after mailing of notice and copy of ballot title by the Secretary of State. (Pol. C. 1197.)

Secretary of State must **forthwith** file copy of question, ballot title and objections with Board of Title Commissioners. (Pol. C. 1197.)

Board of Title Commissioners fixes hearing, notifies parties, holds hearing, prepares title, and certifies it to Secretary of State, all within **10 days** from receipt of the objections by them. (Pol. C. 1197.)

County clerk destroys unused ballots in his possession immediately upon arrival of hour for closing polls **on day of election** and files his affidavit thereof **forthwith**. (Pol. C. 1199.)

No person shall occupy an election booth longer than **10 minutes**. (Pol. C. 1207.)

Mailing sample ballots must commence **10 days** and be completed **5 days** before election. (Pol. C. 1210.)

Persons entitled to vote are entitled to **two hours** without deduction of pay. (Pol. C. 1212.)

Judges of election must canvass the vote immediately **upon closing of the polls**. (Pol. C. 1252.)

Election Board must post result of votes cast **before it adjourns**. (Pol. C. 1261.)

Election Board must **immediately** transmit unsealed to the County Clerk copy of result. (Pol. C. 1261.)

County Clerk or registrar must keep one list of voters and tally list and attached list open to inspection for **six months**. (Pol. C. 1262.)

Rosters of Voters must be kept by County Clerk or registrar of voters for **1 year**. (Pol. C. 1264.)

County Clerk must keep ballots for **1 year**. (Pol. C. 1265.)

Board of Supervisors must meet to canvass returns on **first Monday** after election. (Pol. C. 1278.)

Canvass must proceed from day to day and not less than **6 hours** each day until completed. (Pol. C. 1281.)

County Clerks must make out and deliver certificates of election **immediately**. (Pol. C. 1284.)

County Clerks must transmit district returns to County Clerk of county first in alphabetical list of counties in district **immediately**. (Pol. C. 1286.)

Clerk to whom district returns are forwarded must compile returns, make out and transmit certificate of election and forward statement to Secretary of State on the **20th day** after election or sooner if all the returns are in. (Pol. C. 1287.)

County Clerk must make out statement of vote for State officers, judicial officers other than Justices, members of State Board of Equalization, legislature, constitutional amendments and propositions to be voted on by the State at large, and transmit to Secretary of State **immediately**. (Pol. C. 1289.)

Secretary of State must make out statement and estimate of vote and file with Governor **immediately**. (Pol. C. 1290.)

Governor must issue commissions **immediately** after receipt of statement. (Pol. C. 1292.)

Secretary of State must make out abstracts of vote for Governor and Lieutenant Governor and **immediately** mail one to the speaker-elect and deliver the other to a member elect of the legislature or hold-over senator. (Pol. C. 1294, 1295.)

The person to whom the abstract is delivered must deliver it to the speaker on the **second day** after his election. (Pol. C. 1295.)

The legislature must canvass the vote for Governor and Lieutenant-Governor and declare the result during the **first week** of the session. (Pol. C. 1296.)

County Clerk must make certified abstract of vote for presidential electors **as soon as the statement** of the vote for his county is entered on the records of the board of supervisors. (Pol. C. 1308.)

The County Clerk must transmit the abstract of presidential returns to the Secretary of State **without delay**. (Pol. C. 1309.)

The Secretary of State must estimate the vote and certify the result to the Governor on the **last Monday** of the month in which the election is held. (Pol. C. 1313.)

The Governor must **upon receipt of the certificate** of the Secretary of State transmit to him certificates of election to the presidential election. (Pol. C. 1314.)

The Governor must deliver to the electors a list of the names of the electors **before the day of their meeting**. (Pol. C. 1314.)

The presidential electors meet at Sacramento on the **second Monday in January** next following their election at 2 P. M. (Pol. C. 1315.)

Representatives in Congress are elected in the **even-numbered years**. (Pol. C. 1344.)

The County Clerk makes abstract of vote for representative and transmits it **without delay** to the Secretary of State. (Pol. C. 1344, 1345.)

On the **60th day** after election or sooner if the returns from all the counties of any Congressional district are in, the Secretary of State estimates the vote and certifies the result to the Governor. (Pol. C. 1346.)

The Governor transmits certificate of election to representatives on **receipt of the certificate** of the Secretary of State. (Pol. C. 1347.)

Candidates voted for must file statement of election expenses within **15 days** after day of election. (Stats. 1913, p. 596.)

Treasurer of campaign committee must file statement within **15 days** after day of election. (Stats. 1907, p. 671, § 2.)

Claims payable by a campaign committee must be presented within **10 days** after return of election and must be paid within **15 days** after completion of the official canvass. (Stats. 1907, p. 671, § 4.)

Claims payable by a candidate must be presented within **10 days** after day of election and paid within **12 days** after day of election. (Stats. 1907, p. 671, § 4.)

Instructions in use of voting machines must be given and notice of place of instruction published at least **20 days** before the day of election. (Stats. 1913, p. 691.)

Petition of new party for leave to participate in primary election must be filed with the Secretary of State on or before the **50th day** before such primary election. (Stats. 1913, p. 1381.)

August primary is held on the **last Tuesday in August**. (Stats. 1913, p. 1382.)

Primaries other than the August primary or May presidential primary are held on the **Tuesday 3 weeks next preceding the election** for which the primary is held. (Stats. 1913, p. 1382.)

County Clerks and registrars of voters transmit statement of registration to Secretary of State on the **1st Monday in February**, the **Monday 50 days** before the **1st Tuesday in May**, **1st Monday in June** and the **Monday 50 days** before the **last Tuesday in August**, in even-numbered years. (Stats. 1913, p. 1382.)

Secretary of State sends county clerks and registrars notice of the offices for which candidates are to be nominated and the political parties qualified to participate therein at least **40 days** before the **August primary** in even-numbered years. (Stats. 1913, p. 1382.)

County clerks and registrars publish so much of Secretary of State's notice as may be applicable to their county, and statement of number of members of county committee for each party within **10 days** from receipt of notice from Secretary of State and make publication once in each week for **two successive weeks**. (Stats. 1913, p. 1382.)

In August primary elections in odd-numbered years for city or city and county officers, city clerks or secretaries of legislative body, or registrars of voters publish notice of election **once in each week for 2 successive weeks**, the last publication to be not more than **40** nor less than **14 days** before such primary election. (Stats. 1913, p. 1383.)

In primary elections other than August primary city clerks or secretaries publish notice **1 time** not more than **40** and not less than **14 days** before the primary. (Stats. 1913, p. 1383.)

Nomination papers must be filed **40 days** before August primary or May presidential primary and **20 days** before any other primary. (Stats. 1913, p. 1383.)

Appointment of verification deputies must be filed by candidate **when petition is left** for examination by county clerk. (Stats. 1913, p. 1383.)

Verification deputies may obtain signatures not more than **70** nor less than **40 days** before August primary or May presidential primary. (Stats. 1913, p. 1386.)

Verification deputies may obtain signatures not more than **40** nor less than **20 days** before primaries other than August and May presidential. (Stats. 1913, p. 1386.)

Nomination papers required to be filed with Secretary of State must be left with county clerk for examination **40 days** before August primary or May presidential primary. (Stats. 1913, p. 1389.)

County clerks and registrars forward papers to Secretary of State **5 days** after they are left for examination. (Stats. 1913, p. 1389.)

Candidate must file statement at least **35 days** before August or May presidential primary. (Stats. 1913, p. 1389.)

Secretary of State apportions fees received by him among the counties entitled thereto within **10 days** after primary election. (Stats. 1913, p. 1393.)

Secretary of State transmits certified nomination list to county clerks and registrars at least **30 days** before August or May presidential primary. (Stats. 1913, p. 1393.)

County clerk publishes notice **once each week for 2 weeks** prior to election. (Stats. 1913, p. 1394.)

County clerk or registrar prepares sample ballots at least **20 days** and mails them not more than **10** nor less than **5 days** before election. (Stats. 1913, p. 1400.)

Sample ballot must be furnished chairmen of county committees of participating parties and posted in office of county clerk or registrar **forthwith**. (Stats. 1913, p. 1400.)

Polls must be kept open from **6 A. M.** to **7 P. M.** (Stats. 1913, p. 1401.)

Canvassing boards meet on **1st Thursday** after primary. (Stats. 1913, p. 1403.)

Canvass must be completed not later than **6 P. M.** on the **16th day** following the primary. (Stats. 1913, p. 1403.)

Statements of results must be filed and mailed **immediately**. (Stats. 1913, p. 1403.)

Secretary of State compiles results not later than **25 days** after primary. (Stats. 1913, p. 1404.)

Secretary of State certifies names of candidates to county clerks and registrars not less than **30 days** before November election. (Stats. 1913, p. 1405.)

State conventions meet at Sacramento on the **3d Tuesday in September** in even-numbered years. (Stats. 1913, p. 1405.)

State conventions make platform public not later than **6 P. M.** of **Thursday** following. (Stats. 1913, p. 1405.)

County clerks determine the number of county central committee men between the **1st and 2d Mondays of June** preceding the primary. (Stats. 1913, p. 1405.)

County Central Committees organize at the courthouse on the **2d Tuesday in September** following the primary. (Stats. 1913, p. 1406.)

Person entitled to withdraw from nomination must file request at least **30 days** before election. (Stats. 1913, p. 1408.)

Contest of primary election must be begun within **5 days** after completion of the canvass. (Stats. 1913, p. 1409.)

Contestant must mail copy of affidavit to contestee **on the day** it is filed. (Stats. 1913, p. 1409.)

County clerk must post notice of contest **upon the filing** thereof. (Stats. 1913, p. 1409.)

County clerk must present affidavits and proof of posting to Superior Judge within **2 days** after expiration of time for contests. (Stats. 1913, p. 1409.)

Hearing of contest must be fixed for not less than **1** nor more than **3 days** after presentation by county clerk. (Stats. 1913, p. 1409.)

## POPULATION OF CALIFORNIA BY DECADES.

From Henry K. Norton's "Story of California."

	State.	San Fran- cisco.	Los An- geles.	Oakland.	San Diego.	Sacra- mento.
1780	600*	—	46	—	—	—
1790	970	—	140	—	—	—
1800	1,200	—	315	—	—	—
1810	2,130	—	365	—	—	—
1820	3,270	—	615	—	—	—
1830	4,250	300	1,000*	—	—	—
1840	6,000†	280	1,800*	—	—	—
1850	92,579	34,000*	1,610	—	—	6,820
1860	379,994	56,802	4,399	1,543	731	13,785
1870	560,247	149,473	5,614	10,500*	2,300*	16,283
1880	864,694	233,959	11,183	34,555	2,637	21,400
1890	1,208,130	298,997	50,395	48,682	16,159	26,336
1900	1,485,053	342,782	102,479	66,960	17,700	29,282
1910	2,377,549	416,912	319,198	150,174	39,578	44,696

\*Estimated.

†Estimated from 1841.



# POPULATION OF MINOR CIVIL DIVISIONS, 1910— CENSUS.

[Township means judicial township.]

<b>Alameda County</b> .....	246,131	Ophir township, including Oroville city .....	4,979
Alameda township, coextensive with Alameda city .....	23,383	Oroville city .....	3,859
Brooklyn township, including ward 7 of Oakland city and part of San Leandro city .....	49,140	Oregon township .....	526
Oakland city in Brooklyn and Oakland townships .....	150,174	Oro township .....	222
Eden township, including Hayward town and part of San Leandro city .....	11,515	Wyandotte township .....	643
Hayward town .....	2,746	<b>Calaveras County</b> .....	9,171
Murray township, including Livermore town .....	4,137	Township 1, San Andreas .....	1,120
Livermore town .....	2,030	Township 2, Mokelumne .....	1,713
Oakland township, including Albany, Berkeley, and Piedmont cities and Emeryville town, and wards 1 to 6 of Oakland city .....	147,199	Township 3, Murphys .....	1,077
Albany city .....	808	Township 4, Angels .....	3,370
Berkeley city .....	40,434	Township 5, Jenny Lind .....	1,891
Emeryville town .....	2,613	<b>Colusa County</b> .....	7,732
Piedmont city .....	1,719	Arbuckle township .....	1,249
Pleasanton township, including Pleasanton town .....	2,883	Colusa township, including Colusa town .....	2,518
Pleasanton town .....	1,254	Colusa town .....	1,582
Washington township .....	7,874	Grand Island township .....	684
<b>Alpine County</b> .....	309	Maxwell township .....	864
Township 1 .....	309	Princeton township .....	601
<b>Amador County</b> .....	9,086	Stony Ford township .....	353
Township 1, Jackson, including Jackson city .....	3,226	Williams township .....	1,463
Jackson city .....	2,035	<b>Contra Costa County</b> .....	31,674
Township 2, Ione .....	1,551	Township 1, including Martinez town .....	3,072
Township 3, Volcano .....	1,064	Martinez town .....	2,115
Township 4, Sutter Creek .....	2,047	Township 2 .....	873
Township 5, Plymouth .....	1,198	Township 3 .....	1,330
<b>Butte County</b> .....	27,301	Township 4 .....	1,146
Bidwell township .....	587	Township 5, including Concord town .....	2,250
Chico township, including Chico city .....	11,775	Concord town .....	703
Chico city .....	3,750	Township 6, including Black Diamond town .....	3,626
Concow township .....	961	Black Diamond town .....	2,372
Dayton township .....	739	Township 7 .....	1,432
Gridley township, including Gridley city .....	2,081	Township 8, including Antioch town .....	2,229
Gridley city .....	987	Antioch town .....	1,124
Hamilton township, including Biggs city .....	1,837	Township 9 .....	2,075
Biggs city .....	403	Township 10 .....	1,379
Honcut township .....	471	Township 11, including Hercules and Pinole towns .....	1,776
Humboldt township .....	119	Hercules town .....	279
Kimshaw township .....	1,927	Pinole town .....	798
Mountain Spring township .....	256	Township 12 .....	2,402
Nelson township .....	178	Township 13 .....	449
		Township 14 .....	833
		Township 15, coextensive with Richmond city .....	6,802
		<b>Del Norte County</b> .....	2,417
		Crescent township, including Crescent City .....	1,688
		Crescent City .....	1,114
		Klamath township .....	347
		Smith River township .....	382

<b>El Dorado County</b> .....	7,492	<b>Mad River township, including</b>	
Coloma township .....	367	Blue Lake town.....	1,111
Cosumnes township .....	417	Blue Lake town.....	507
Diamond Springs township....	708	Mattole township .....	507
Georgetown township .....	599	Orleans township .....	265
Greenwood township .....	373	Pacific township, including Fern-	
Kelsey township .....	226	dale town .....	3,135
Lake Valley township .....	169	Ferndale town .....	905
Mountain township .....	406	Bohnerville township, including	
Mud Springs township .....	840	Fortuna town .....	2,600
Placerville township, including		Fortuna town .....	883
Placerville city .....	2,775	South Fork township.....	464
Placerville city .....	1,914	Table Bluff township.....	900
Salmon Falls township .....	217	Trinidad township .....	1,502
White Oak township .....	395	Union township, including Ar-	
<b>Fresno County</b> .....	75,657	cata town .....	3,473
Township 1 .....	1,388	Arcata town .....	1,121
Township 2 .....	4,799	Van Duzen township.....	439
Township 3, including Fresno		Hoop Valley Indian Reserva-	
city .....	32,402	tion .....	592
Fresno city .....	24,892	<b>Imperial County</b> .....	13,591
Township 4 including Fowler		Brawley township, including	
town .....	5,873	Brawley city .....	2,218
Fowler town .....	675	Brawley city .....	881
Township 5, including Selma		Callexico township, including	
town .....	4,843	Callexico city .....	1,887
Selma town .....	1,750	Callexico city .....	797
Township 6, including Coalinga		El Centro township, including El	
city .....	7,851	Centro city .....	2,500
Coalinga city .....	4,199	El Centro city .....	1,610
Township 7 .....	4,271	Hanlon township, including	
Township 8 .....	3,344	Yuma Indian Reservation....	1,000
Township 9 including Kingsburg		Yuma Indian Reservation..	669
city .....	2,396	Holtville township, including	
Kingsburg city .....	634	Holtville city .....	2,073
Township 10 .....	1,661	Holtville city .....	729
Township 11 .....	2,641	Imperial township, including Im-	
Township 12 .....	660	perial city .....	2,369
Township 13 .....	2,035	Imperial city .....	1,257
Township 14 .....	1,493	Laguna township .....	212
<b>Glenn County</b> .....	7,172	Old Beach township.....	489
Township 1 .....	665	Palo Verde township.....	63
Township 2, including Orland		Picacho township .....	396
town .....	1,571	Silsbee towaship .....	384
Orland town .....	836	<b>Inyo County</b> .....	6,974
Township 3 .....	445	Township 1, including Bishop	
Township 4, including Willows		city .....	2,856
town .....	2,984	Bishop city .....	1,190
Willows town .....	1,139	Township 2 .....	900
Township 5 .....	743	Township 3 .....	701
Township 6 .....	224	Township 4 .....	1,338
Township 7 .....	540	Township 5 .....	1,179
<b>Humboldt County</b> .....	33,857	<b>Kern County</b> .....	37,715
Briceland township .....	308	Township 1 .....	743
Bucksport township .....	1,034	Township 2, including Tehachapi	
Eureka township, including		town .....	1,310
Eureka city .....	13,763	Tehachapi town .....	385
Eureka city .....	11,845	Township 3 .....	2,756
Hydesville township .....	3,006	Township 4 .....	1,026
Klamath township .....	758	Township 5 .....	1,097

Township 6, including Bakersfield city .....	16,451	Los Angeles city (part of) ..	5,765
Bakersfield city .....	12,727	Calabasas township .....	492
Township 7 .....	206	Catalina township .....	670
Township 8 .....	253	Chatsworth Park township .....	299
Township 9 .....	498	Compton township, including	
Township 10 .....	3,150	Compton city .....	3,388
Township 11 .....	2,000	Compton city .....	922
Township 12 .....	1,952	Downey township .....	3,277
Township 13 .....	1,397	El Monte township, including	
Township 14 .....	424	Monrovia city .....	4,648
Township 15 .....	1,972	Monrovia city .....	3,576
Township 16 .....	2,480	Fairmont township .....	932
<b>Kings County</b> .....	16,230	Gardena township .....	3,552
Armona township .....	2,177	Lankershim township .....	848
Corcoran township .....	1,003	Lexington township .....	1,886
Lemoore township including Lemoore city .....	3,852	Long Beach township, including	
Lemoore city .....	1,000	Long Beach city .....	20,616
Lucerne township, including		Long Beach city .....	17,809
Hanford city .....	9,198	Los Angeles township, including	
Hanford city .....	4,829	assembly districts 69 to 73,	
<b>Lake County</b> .....	5,526	and 75 and parts of assembly	
Township 1 .....	889	districts 67 and 74 of Los	
Township 2 .....	820	Angeles city .....	313,104
Township 3 .....	1,134	Los Nietos township, including	
Township 4, including Lakeport		Whittier city .....	7,819
town .....	1,465	Whittier city .....	4,550
Lakeport town .....	870	Malibu township, including Saw-	
Township 5 .....	1,218	telle city .....	6,282
<b>Lassen County</b> .....	4,802	Sawtelle city .....	2,143
Township 1, including Susanville		Norwalk township .....	2,484
town .....	982	Pasadena township, including	
Susanville town .....	688	Arcadia, Pasadena, and Sierra	
Township 2 .....	625	Madre cities .....	36,195
Township 3 .....	1,256	Arcadia city .....	696
Township 4 .....	1,016	Pasadena city .....	30,291
Township 5 .....	923	Sierra Madre city .....	1,303
<b>Los Angeles County</b> .....	504,131	Puente township .....	1,030
Antelope township .....	1,047	Redondo township, including	
Azusa township, including Azusa		Hermosa Beach and Redondo	
city .....	4,154	Beach cities .....	5,016
Azusa city .....	1,477	Hermosa Beach city .....	679
Ballona township, including In-		Redondo Beach city .....	2,935
glewood and Ocean Park		Rowland township, including	
cities .....	7,249	Covina city .....	3,476
Inglewood city .....	1,536	Covina city .....	1,652
Ocean Park city .....	3,119	San Antonio township, including	
Belvedere township .....	2,621	Huntington Park, Vernon, and	
Burbank township, including		Watts cities .....	13,573
Glendale city and part of as-		Huntington Park city .....	1,299
sembly district 67 of Los		Vernon city .....	772
Angeles city .....	12,255	Watts city .....	1,922
Glendale city .....	2,746	San Fernando township .....	2,134
Los Angeles city in Bur-		San Gabriel township, including	
bank, Cahuenga, and Los		Alhambra city .....	8,550
Angeles townships .....	319,198	Alhambra city .....	5,021
Cahuenga township, including		San Jose township, including	
part of assembly district 74 of		Claremont, Lordsburg, and	
Los Angeles city .....	7,432	Pomona cities .....	14,719
		Claremont city .....	1,114
		Lordsburg city .....	954
		Pomona city .....	10,207

Santa Monica township, coextensive with Santa Monica city .....	7,847	Tenmile River township, including Fort Bragg city.....	3,798.
Santa Monica city.....	7,847	Fort Bragg city.....	2,408
Soledad township .....	1,887	Ukiah township, including Ukiah city .....	5,141
South Pasadena township, coextensive with South Pasadena city .....	4,649	Ukiah city .....	2,136
<b>Madera County</b> .....	<b>8,368</b>	Westport township .....	1,047
Township 2 .....	779	Round Valley Indian Reservation .....	616
Township 3, including Madera city .....	4,320	<b>Merced County</b> .....	<b>15,148</b>
Madera city .....	2,404	Township 1 .....	568
Township 4 .....	2,148	Township 2, including Merced city .....	5,503
Township 5 .....	1,121	Merced city .....	3,102
<b>Marin County</b> .....	<b>25,114</b>	Township 3, including Los Banos city .....	1,869
Bolinas township .....	548	Los Banos city.....	745
Nicasio township .....	479	Township 4 .....	669
Novato township .....	911	Township 5 .....	2,838
Point Reyes township.....	465	Township 6 .....	2,366
San Antonio township.....	310	Township 7 .....	1,335
San Rafael township, including Larkspur, Ross, and San Anselmo towns, and San Rafael city .....	13,180	<b>Modoc County</b> .....	<b>6,191</b>
Larkspur town .....	594	Adin township .....	332
Ross town .....	556	Alturas township, including Alturas town .....	2,070
San Anselmo town.....	1,531	Alturas town .....	916
San Rafael city.....	5,934	Bidwell township .....	605
Sausalito township, including Belvedere, Mill Valley, and Sausalito towns .....	8,137	Canby township .....	239
Belvedere town .....	481	Cedarville township .....	985
Mill Valley town.....	2,551	Dewey township .....	472
Sausalito town .....	2,383	Goose Lake township.....	709
Tamales township .....	1,084	Lake City township.....	462
<b>Mariposa County</b> .....	<b>3,956</b>	Lookout township .....	317
Township 1, including Hornitos town .....	622	<b>Mono County</b> .....	<b>2,042</b>
Hornitos town .....	160	Antelope township .....	288
Township 2 .....	779	Benton township .....	364
Township 3 .....	630	Bodie township .....	698
Township 4 .....	654	Bridgeport township .....	312
Township 5 .....	1,271	Homer township .....	244
<b>Mendocino County</b> .....	<b>23,929</b>	Masonic township .....	136
Anderson township .....	1,166	<b>Monterey County</b> .....	<b>24,146</b>
Arena township, including Point Arena city .....	1,753	Alisal township, including Salinas city .....	5,076
Point Arena city.....	497	Salinas city .....	3,736
Big River township.....	3,531	Bradley township .....	442
Cuffey Cove township.....	862	Castroville township .....	1,442
Little Lake township, including Willits town .....	2,947	Cholame township .....	485
Willits town .....	1,153	Gonzales township .....	1,305
Long Valley township.....	704	King City township.....	1,563
Potter Valley township, including Potter Valley town.....	694	Monterey township, including Monterey city .....	6,833
Potter Valley town.....	576	Monterey city .....	4,823
Round Valley township.....	918	Pacific Grove township, coextensive with Pacific Grove city .....	2,384
Sanel township .....	752	Pacific Grove city.....	2,384
		Pajaro township .....	1,765
		Peachtree township .....	478
		San Antonio township.....	814
		San Ardo township.....	365
		Soledad township .....	1,194

## POPULATION.

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<b>Napa County</b> .....	19,800	Township 6 .....	265
Hot Springs township, including		Township 7 .....	187
Calistoga town .....	1,344	Township 8 .....	192
Calistoga town .....	751	Township 9, including Rocklin	
Knox township .....	560	town .....	1,969
Napa township, including Napa		Rocklin town .....	1,026
city .....	12,047	Township 10, including Lincoln	
Napa city .....	5,791	town .....	1,726
St. Helena township, including		Lincoln town .....	1,402
St. Helena town .....	3,057	Township 11 .....	502
St. Helena town .....	1,603	Township 12 .....	249
Yount township .....	2,792	Township 13, including Colfax	
<b>Nevada County</b> .....	14,955	city .....	1,063
Bloomfield township .....	412	Colfax city .....	621
Bridgeport township .....	543	Township 14 .....	2,012
Eureka township .....	283	<b>Plumas County</b> .....	5,259
Grass Valley township, including		Beckwourth township .....	1,315
Grass Valley city .....	6,251	Goodwin township .....	294
Grass Valley city .....	4,520	Indian township .....	1,233
Little York township .....	170	Mineral township .....	437
Meadow Lake township .....	2,308	Plumas township .....	884
Nevada township, including		Quartz township .....	750
Nevada City .....	3,958	Seneca township .....	346
Nevada City .....	2,689	<b>Riverside County</b> .....	34,696
Rough and Ready township .....	747	Beaumont township .....	1,113
Washington township .....	283	Bergman township .....	326
<b>Orange County</b> .....	34,436	Diamond township .....	380
Anaheim township, including		Elsinore township, including El-	
Anaheim town .....	4,051	sinore city .....	960
Anaheim town .....	2,628	Elsinore city .....	488
Buena Park township .....	1,441	Hemet township, including	
Fullerton township, including		Hemet city .....	2,392
Fullerton city .....	4,984	Hemet city .....	992
Fullerton city .....	1,725	Highgrove township .....	1,187
Huntington Beach township, in-		Indio township .....	899
cluding Huntington Beach		Moreno township .....	523
city .....	1,058	Murrieta township .....	765
Huntington Beach city .....	815	Palo Verde township .....	557
Los Alamitos township .....	499	Perris township .....	1,454
Orange township, including		Riverside township, including	
Orange city .....	5,430	Riverside city .....	15,718
Orange city .....	2,920	Riverside city .....	15,212
San Juan township .....	967	San Geronio township .....	1,387
Santa Ana township, including		San Jacinto township, including	
Newport Beach and Santa Ana		San Jacinto city .....	1,267
cities .....	11,501	San Jacinto city .....	898
Newport Beach city .....	445	Temescal township, including	
Santa Ana city .....	8,429	Corona city .....	4,374
Westminster township .....	4,028	Corona city .....	3,540
Yorba township .....	477	Thermal township .....	632
<b>Placer County</b> .....	18,237	West Riverside township .....	762
Township 1, including Roseville		<b>Sacramento County</b> .....	67,806
city .....	3,316	Alabama township .....	598
Roseville city .....	2,608	American township .....	169
Township 2 .....	1,171	Brighton township .....	2,505
Township 3, including Auburn		Center township .....	451
city .....	4,136	Cosumnes township .....	262
Auburn city .....	2,376	Dry Creek township .....	906
Township 4 .....	886	Franklin township .....	2,545
Township 5 .....	563	Georgiana township .....	1,675

Granite township .....	2,505	Coronado city .....	1,477
Lee township .....	438	Dehesa township .....	160
Mississippi township .....	1,225	Del Mar township .....	536
Natoma township .....	208	El Cajon township .....	1,070
Riverside township .....	1,780	Encinitas township .....	555
Sacramento city .....	44,696	Escondido township, including	
San Joaquin township .....	2,236	Escondido city .....	3,437
Sutter township .....	5,607	Escondido city .....	1,334
<b>San Benito County .....</b>	<b>8,041</b>	Fallbrook township .....	816
Hollister township, including		Jamul township .....	418
Hollister town .....	4,390	Julian township .....	608
Hollister town .....	2,308	Lakeside township .....	728
Panoche township .....	635	Lemon Grove township .....	826
San Benito Township .....	822	Mesa Grande township .....	485
San Juan township, including		Mission township .....	2,411
San Juan town .....	1,398	National township, including Na-	
San Juan town .....	326	tional City .....	2,998
Tres Pinos township .....	796	National City .....	1,733
<b>San Bernardino County .....</b>	<b>56,706</b>	Otay township .....	1,206
Barstow township .....	1,066	Pala township .....	354
Belleville township .....	374	Palomar township .....	134
Calzona township .....	97	Ramona township .....	849
Chino township, including Chino		San Diego township, coextensive	
city .....	2,862	with San Diego city .....	39,578
Chino city .....	1,444	San Diego city .....	39,578
Colton township, including Col-		San Luis Rey township, includ-	
ton city .....	4,556	ing Oceanside city .....	1,450
Colton city .....	3,980	Oceanside city .....	673
Cucamonga township .....	2,340	Valley Center township .....	277
Dale township .....	41	<b>San Francisco County .....</b>	<b>416,912</b>
Hart township .....	40	San Francisco city, coextensive	
Hesperia township .....	92	with San Francisco county .....	416,912
Highland township .....	3,820	<b>San Joaquin County .....</b>	<b>50,731</b>
Kelso township .....	136	Castoria township .....	2,048
Ludlow township .....	255	Dent township .....	1,985
Mission township .....	1,811	Douglas township .....	1,405
Needles township .....	3,067	Elkhorn township, including	
Ontario township, including		Lodi city .....	5,985
Ontario city .....	4,639	Lodi city .....	2,697
Ontario city .....	4,274	Elliott township .....	1,545
Oro Grande township .....	280	Liberty township .....	1,224
Redlands township, including		O'Neal township .....	9,116
Redlands city .....	11,448	Stockton township, coextensive	
Redlands city .....	10,449	with Stockton city .....	23,253
Rialto township .....	1,538	Tulare township .....	3,321
San Bernardino township, includ-		Union township .....	849
ing San Bernardino city .....	14,648	<b>San Luis Obispo County .....</b>	<b>19,383</b>
San Bernardino city .....	12,779	Arroyo Grande township .....	3,646
Silver Lake township .....	135	Cholame township .....	419
Upland township, including Up-		Morro township .....	2,255
land city .....	2,554	Nipomo township .....	1,348
Upland city .....	2,384	Paso Robles township, including	
Vanderbilt township .....	149	Paso Robles city .....	2,382
Victor township .....	580	Paso Robles city .....	1,441
Yermo township .....	178	Pozo township .....	354
<b>San Diego County .....</b>	<b>61,665</b>	Salinas township .....	877
Alpine township .....	412	San Luis Obispo township, in-	
Bonsall township .....	236	cluding San Luis Obispo city .....	5,326
Campo township .....	639	San Luis Obispo city .....	5,157
Coronado township, including		San Miguel township .....	880
Coronado city .....	1,482		

## POPULATION.

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San Simeon township.....	1,028
Santa Margarita township....	918
<b>San Mateo County.....</b>	<b>26,585</b>
Township 1, including South San Francisco city .....	9,173
South San Francisco city...	1,989
Township 2, including Burlingame town and San Mateo city .....	8,659
Burlingame town .....	1,565
San Mateo city .....	4,384
Township 3, including Redwood city .....	5,814
Redwood city .....	2,442
Township 4 .....	1,923
Township 5 .....	1,016
<b>Santa Barbara County....</b>	<b>27,738</b>
Township 1 .....	2,477
Township 2, coextensive with Santa Barbara city.....	11,659
Township 3 .....	1,895
Township 4 .....	1,388
Township 5 including Lompoc town .....	2,984
Lompoc town .....	1,482
Township 6 .....	1,164
Township 7, including Santa Maria city .....	3,370
Santa Maria city.....	2,260
Township 8 .....	850
Township 9 .....	895
Township 10 .....	1,056
<b>Santa Clara County.....</b>	<b>83,539</b>
Almaden township .....	755
Alviso township, coextensive with Alviso town .....	402
Alviso town .....	402
Burnett township, including Morgan Hill town.....	2,250
Morgan Hill town.....	607
Campbell township .....	1,992
Fremont township, including Mountain View town.....	3,267
Mountain View town.....	1,161
Gilroy township, including Gilroy city .....	5,039
Gilroy city .....	2,437
Mayfield township, including Mayfield town .....	2,224
Mayfield town .....	1,041
Milpitas township .....	1,684
Palo Alto township, coextensive with Palo Alto city.....	4,486
Redwood township, including Los Gatos town .....	4,299
Los Gatos town .....	2,232
San Jose township, including East San Jose town and San Jose city .....	43,767
East San Jose town .....	1,661

San Jose city .....	28,946
Santa Clara township, including Santa Clara town .....	9,759
Santa Clara town .....	4,348
Saratoga township .....	1,756
Sunnyvale township .....	1,859
<b>Santa Cruz County.....</b>	<b>26,140</b>
Aptos township .....	961
Boulder Creek township, including Boulder Creek town.....	1,015
Boulder Creek town.....	544
Felton township .....	1,104
Branciforte township, including ward 7 and part of ward 6 of Santa Cruz city .....	4,064
Santa Cruz city in Branciforte and Santa Cruz townships...	11,146
Santa Cruz township, including wards 1 to 5, and part of ward 6 of Santa Cruz city .....	9,457
Soquel township .....	1,781
Watsonville township, including Watsonville city .....	7,758
Watsonville city .....	4,446
<b>Shasta County .....</b>	<b>18,920</b>
Township 1, Shasta .....	539
Township 2, Redding, including Redding city .....	3,972
Redding city .....	3,572
Township 3, Keswick, including Coram town .....	1,437
Coram town .....	666
Township 4, Igo .....	710
Township 5, Harrison Gulch .....	383
Township 6, Anderson .....	1,801
Township 7, Shingletown.....	782
Township 8, Millville .....	679
Township 9, Round Mountain ..	815
Township 10, Burney Valley .....	843
Township 11, Fall River .....	881
Township 12, Buckeye .....	1,479
Township 13, Sacramento River..	1,078
Township 14, French Gulch .....	735
Township 15, Delta .....	2,786
<b>Sierra County .....</b>	<b>4,098</b>
Butte township .....	385
Downieville township .....	751
Forest township .....	725
Sierra No. 1 township.....	585
Sierra No. 2 township, including Loyalton town .....	1,261
Loyalton town .....	983
Table Rock township .....	391
<b>Siskiyou County.....</b>	<b>18,801</b>
Butte township, including Sisson town .....	1,188
Sisson town .....	636
Callahan township .....	510
Edgewood township .....	2,267

Etna township, including Etna town .....	1,009	Glen Ellen township .....	1,765
Etna town .....	518	Knights Valley township .....	398
Greenview township .....	602	Mendocino township, including	
Happy Camp township .....	377	Healdsburg city .....	4,576
Lake township, including Dorris town .....	2,131	Healdsburg city .....	2,011
Dorris town .....	214	Ocean township .....	842
Liberty township .....	708	Petaluma township, including	
Mott township, including Duns- muir town .....	2,071	Petaluma city .....	8,787
Dunsmuir town .....	1,719	Petaluma city .....	5,880
Mountain township .....	957	Redwood township .....	950
Oak Bar township .....	278	Russian River township .....	1,699
Scott River township .....	389	Salt Point township .....	865
Scott Valley township, including		Santa Rosa township, including	
Fort Jones town .....	798	Santa Rosa city .....	13,560
Fort Jones town .....	316	Santa Rosa city .....	7,817
Somes Bar township .....	248	Sonoma township, including	
Squaw Valley township .....	2,061	Sonoma town .....	2,765
Table Rock township, including		Sonoma town .....	957
Montague town .....	651	Vallejo township .....	2,071
Montague town .....	274	Washington township .....	1,149
Yreka township, including Yreka town .....	2,556	<b>Stanislaus County</b> .....	<b>22,522</b>
Yreka town .....	1,134	La Grange township .....	552
<b>Solano County</b> .....	<b>27,559</b>	Modesto township, including	
Benicia township, including Be- necia city .....	2,739	Modesto city .....	7,258
Benicia city .....	2,360	Modesto city .....	4,034
Denverton township .....	260	Newman township, including	
Elmira township .....	494	Newman town .....	2,885
Green Valley township .....	960	Newman town .....	892
Maine Prairie township .....	205	Oakdale township, including	
Montezuma township .....	481	Oakdale city .....	2,455
Rio Vista township, including		Oakdale city .....	1,035
Rio Vista town .....	1,628	Turlock township, including Tur- lock city .....	8,189
Rio Vista town .....	884	Turlock city .....	1,573
Silveyville township, including		Waterford township .....	1,183
Dixon town .....	1,853	<b>Sutter County</b> .....	<b>6,328</b>
Dixon town .....	827	Butte township .....	883
Suisun township, including Fair- field and Suisun City towns ..	3,423	Nicolaus township .....	905
Fairfield town .....	834	Sutter township .....	1,501
Suisun City town .....	641	Vernon township .....	1,192
Tremont township .....	373	Yuba township, including Yuba City town .....	1,847
Vacaville township, including		Yuba City town .....	1,160
Vacaville town .....	3,005	<b>Tehama County</b> .....	<b>11,401</b>
Vacaville town .....	1,177	Corning township, including	
Vallejo township, including		Corning city .....	2,555
Vallejo city .....	12,138	Corning city .....	972
Vallejo city .....	11,340	Cottonwood township .....	439
<b>Sonoma County</b> .....	<b>48,394</b>	Paskenta township .....	517
Analy township, including Sebas- topol town .....	5,681	Red Bluff township, including	
Sebastopol town .....	1,233	Red Bluff city .....	5,210
Bodega township .....	1,553	Red Bluff city .....	3,530
Cloverdale township, including		Sierra township .....	1,126
Cloverdale town .....	1,733	Tehama township, including Te- hama town .....	851
Cloverdale town .....	823	Tehama town .....	221
		Vina township .....	703
		<b>Trinity County</b> .....	<b>3,301</b>
		Hay Fork township .....	689
		Junction City township .....	606



## POPULATION.

1193

Mad River township .....	422	Ojai township .....	1,100
Trinity Center township .....	910	Oxnard township, including Ox-	
Weaverville township .....	674	nard city .....	5,962
<b>Tulare County</b> .....	<b>35,440</b>	Oxnard city .....	2,555
Alila township .....	747	Santa Paula township, including	
Alpaugh township .....	393	Santa Paula city .....	3,347
Angiola township .....	377	Santa Paula city .....	2,216
Ducor township .....	508	Simi township .....	748
Exeter township .....	1,458	Ventura township, including	
Farmersville township .....	1,050	Ventura city .....	5,052
Kaweah township, including Di-		Ventura city .....	2,945
nuba town .....	4,667	<b>Yolo County</b> .....	<b>13,926</b>
Dinuba town .....	970	Blacks township .....	421
Lemon Cove township .....	949	Cacheville township .....	636
Lindsay township, including		Capay township .....	855
Lindsay town .....	2,981	Clarkeburg township .....	895
Lindsay town .....	1,814	Cottonwood township .....	528
Orosi township .....	2,246	Dunnigan township .....	333
Plano township, including Tule		Grafton township .....	770
River Indian Reservation ....	1,638	Guinda township .....	543
Tule River Indian Reserva-		Putah township .....	1,047
tion .....	148	Washington township .....	1,785
Porterville township, coextensive		Winters township, including	
with Porterville city .....	2,696	Winters town .....	1,529
Springfield township .....	617	Winters town .....	910
Tipton township .....	487	Woodland township, including	
Tulare township, including Tu-		Woodland city .....	4,584
lare City .....	4,819	Woodland city .....	3,187
Tulare city .....	2,758	<b>Yuba County</b> .....	<b>10,042</b>
Tule River township .....	1,825	East Bear River township, in-	
Visalia township, including Vi-		cluding Wheatland town....	936
salia city .....	7,055	Wheatland town .....	481
Visalia city .....	4,550	Fosters Bar township .....	381
White River township .....	362	Linda township .....	805
Woodville township .....	565	Long Bar township .....	416
<b>Tuolumne County</b> .....	<b>9,979</b>	Marysville township, including	
Township 1, including Sonora		Marysville city .....	5,825
city .....	2,748	Marysville city .....	5,430
Sonora city .....	2,029	New York township .....	370
Township 2 .....	1,276	Northeast township .....	100
Township 3 .....	701	Parks Bar township .....	264
Township 4 .....	2,236	Rose Bar township .....	321
Township 5 .....	3,018	Slate Range township .....	333
<b>Ventura County</b> .....	<b>18,347</b>	West Bear River township.....	291
Fillmore township .....	2,138		



**FEDERAL GOVERNMENT.**

President ..... WOODROW WILSON, of New Jersey\* .... Salary, \$75,000.  
 Vice-President..THOMAS RILEY MARSHALL, of Indiana..Salary, \$12,000.

**THE CABINET.**

Arranged in the order of succession for the Presidency declared by Chapter 4, Acts of 49th Congress, 1st Session, and subsequent acts.

Secretary of State—William Jennings Bryan, of Nebraska.	Secretary of the Navy—Josephus Daniels, of North Carolina.
Secretary of the Treasury—William Gibbs McAdoo, of New York.	Secretary of Interior—Franklin Knight Lane, of California.
Secretary of War—Lindley M. Garrison, of New Jersey.	Secretary of Agriculture—David Franklin Houston, of Missouri.
Attorney General—James Clark McReynolds, of Tennessee.	Secretary of Commerce—William C. Redfield, of New York.
Postmaster General—Albert Sidney Burleson, of Texas.	Secretary of Labor—William Bauchop Wilson, of Pennsylvania.

The salaries of the Cabinet officers are \$12,000 each.

**THE DEPARTMENTS.****State Department.**

Counselor—John Bassett Moore, N. Y. ....	\$7,500	Chf. Div. Latin-American Affairs—Boaz W. Long, N. M. ....	4,500
Assistant Secretary—John E. Osborne, Wyo. ....	5,000	Ch. Div. Far Eastern Affairs—Ransford S. Miller, N. Y. ....	4,500
Second Assistant Secretary—A. A. Adee, D. C. ....	4,500	Ch. Div. Near Eastern Affairs—Albert H. Putney, Ill. ....	3,000
Third Assistant Secretary—Dudley Field Malone, N. Y. ....	4,500	Ch. Diplomatic Bureau—S. Y. Smith, D. C. ....	2,250
Dir. Consular Service..Wilbur J. Carr, N. Y. ....	4,500	Ch. Consular Bureau—Herbert C. Hengstler, O. ....	2,250
Chief Clerk—Ben G. Davis, D. C. ....	3,000	Ch. Indexes & Archives—John R. Buck, Me. ....	2,100
Solicitor—Joseph W. Folk, Mo. ....	5,000	Ch. Bureau Accounts—William McNeir, Mich. ....	2,300
Assistant Solicitor—Frederick Van Dyne, N. Y. ....	3,000	Ch. Bureau Rolls and Library—John A. Tonner, O. ....	2,100
Assistant Solicitor—Lester H. Woolsey, N. Y. ....	3,000	Ch. Bureau Appointments—M. M. Shand, N. J. ....	2,100
Assistant Solicitor—Edwin M. Borchard, N. Y. ....	3,000	Ch. Bureau of Citizenship—Richard W. Flournoy, Jr., Md. ....	2,100
Foreign Trade Adviser—Robert F. Rose, Mont. ....	4,500	Ch. Div. of Information—John H. James, O. ....	3,000
Foreign Trade Adviser—Wm. B. Fleming, Ky. ....	\$4,500		

**Treasury Department.**

Assistant Secretary—Chas. S. Hamlin, Mass. ....	\$5,000	Chief Appointment Div.—Jas. E. Harper, S. C. ....	\$3,000
Assistant Secretary—John S. Williams, Va. ....	5,000	Ch. Bookkeeping Div.—Chas. H. Miller, Mass. ....	3,500
Assistant Secretary—Byron R. Newton, N. Y. ....	5,000	Chief Public Moneys Div.—E. B. Daskam, Ct. ....	3,000
Chief Clerk—Jas L. Wilmeth, Ark. ....	4,000	Chief Customs Div.—F. M. Halstead, Or. ....	4,000

\*Secretary to the President, Joseph P. Tumulty, of New Jersey (\$7,500).

**Treasury Department—Continued.**

Ch. Loans & Cur. Div.—A. T. Huntington, Mass.....	\$3,500	Auditor for Navy Dept.—Edward L. Luckow, Wis.....	\$4,000
Ch. Stationery & Prg. Div.—Fred F. Weston, Ia.....	2,500	Auditor for State, etc.—Edw. D. Hearne, Del.....	4,000
Supt. Mails—S. M. Gaines, Ky...	2,500	Auditor for P. O. Dept.—Chas. A. Kram, Pa.....	5,000
Ch. Revenue Cutter Service—E. P. Bertholf, N. J.....	5,000	Treasurer of U. S.—John Burke, N. Dak.....	8,000
Director of Mint—Geo. E. Roberts, Ia.....	5,000	Assistant Treasurer.....	3,600
Government Actuary—Joseph S. McCoy, N. J.....	2,250	Register Treasury—Gabe E. Parker, Okla.....	4,000
Surgeon-General Public Health Service—Rupert Blue, S. C.....	5,000	Comp'r. of Currency.....	6,000
Director Bur. Eng. & Printing—Jos. E. Ralph, Ill.....	6,000	Commis. Internal Rev.—Wm. H. Osborn, N. C.....	6,000
Supervising Architect—Oscar Wenderoth, N. Y.....	6,000	Dep. Com. Internal Rev.—Robt. Williams, Jr., La.....	4,000
Compt. of Treasury—Geo. E. Downey, Ind.....	6,000	Dep. Com. Internal Rev.—Geo. M. Fletcher, La.....	3,600
Gen. Supt. Life-Saving Ser.—S. I. Kimball, Me.....	4,500	Solicitor Internal Rev.—Flet. Maddox, Mont.....	5,000
Auditor for Treasury—Will. E. Andrews, Neb.....	4,000	Solicitor of Treasury—Wm. T. Thompson, Neb.....	4,500
Auditor for War Dept.—Jas. L. Baity, Mo.....	4,000	Chief Secret Service—Wm. J. Flynn, N. Y.....	4,000
Auditor for Int. Dept.—Robt. W. Woolley, Va.....	4,000	Chief Div. Special Agts.—J. W. Wheatley, D. C.....	4,500

**War Department.**

Assistant Secretary—Henry S. Breckinridge, Ky.....	\$5,000	Surgeon-Gen.—Brig.-Gen. Geo. H. Torney.....	\$6,000
Assistant Chief Clerk—John C. Scofield, Ga.....	4,000	Chief Clerk—John Wilson, N. J..	2,250
Chief of Staff—Major-Gen. Leonard Wood.....	8,000	Ch. of Engineers—Brig.-Gen. Wm. H. Bixby.....	6,000
Chief Clerk—Nathaniel Hershler, Ill.....	2,000	Chief Clerk—Phineas J. Dempsey, Va.....	2,250
Adjt.-Gen.—Brig.-Gen. George Andrews.....	6,000	Chief of Ordnance—Brig.-Gen. Wm. Crozier.....	6,000
Chief Clerk—Alonzo W. Shunk, Pa.....	2,000	Chief Clerk—John J. Cook, D. C..	2,000
Insp.-Gen.—Brig.-Gen. E. A. Garlington.....	6,000	Chief Signal Officer—Brig.-Gen. George P. Scriven.....	6,000
Chief Clerk—John D. Parker, Va.	1,800	Chief Clerk—Herbert S. Flynn, D. C.....	2,000
Judge-Adv.-Gen.—Brig.-Gen. Enoch H. Crowder.....	6,000	Ch. Bu. In. Aff.—Brig.-Gen. Frank McIntyre.....	6,000
Chief Clerk and Solicitor—L. W. Call, Kan.....	2,500	Chief Clerk—Louis V. Carmack, Ky.....	2,250
Chief, Quartermaster Corps—Major-Gen. Jas. A. Aleshire....	8,000	Officer Charge Pub. Bldgs.—Col. Wm. W. Harts.....	4,000
Assistant and Chief Clerk—Chas. P. Daly, Kan.....	2,750	Chief Clerk—E. F. Concklin, N. Y.	2,400
		Landscape Gardener—George E. Burnap.....	2,400

**Navy Department.**

Assistant Secretary—Franklin D. Roosevelt.....	\$5,000	Chief Yards and Docks—Civil Engineer, Homer R. Stanford....	\$6,000
Chief Clerk—Frank S. Curtis....	3,000	Chief Ordnance—Rear-Adm. Nathan C. Twinning.....	6,000
Pres. General Board—Admiral George Dewey.....	13,500		

**Navy Department—Continued.**

Chief Supplies and Accounts—Paymaster-Gen. T. J. Cowiet.....	\$8,000	Pres. Naval Exam. Board—Rear-Admiral Thomas B. Howard....	\$8,000
Chief Medicine and Surgery—Chas. F. Stokes.....	6,000	Pres. Naval Retiring Board—Rear-Admiral Thomas B. Howard....	
Chief Construction and Repair—Ch. Constructor Richard M. Watt.....	6,000	Ch. Intellig. Office—Capt. Thomas S. Rodgers .....	5,000
Ch. Navigation—Rear-Adm. Victor Blue .....	6,000	Supt. Naval Obs.—Capt. Jos. L. Jayne .....	5,000
Ch. Steam Engineering—Rear-Adm. Robert S. Griffin.....	6,000	Director Nautical Almanac—Prof. M. W. S. Eichelberger.....	4,500
Judge-Adv.-Gen.—Capt. Robert L. Russell .....	5,000	Hydrographer—Com. Geo. F. Cooper .....	4,000
		Comdt. Marine Corps—Maj.-Gen. W. P. Biddle.....	8,000

**Postoffice Department.**

Chief Clerk—Merritt O. Chance, Ill.....	\$4,000	Appointment Clerk—George S. Paull, Ohio .....	2,000
Assistant Chief Clerk—Malcolm Kerlin, N. J. ....	2,000	Supt. Div. of Foreign Mails—Robert L. Maddox, Ky.....	3,000
First Assistant P. M. G.—Daniel C. Roper, S. C. ....	5,000	Supt. Div. of Money Orders—Charles E. Matthews, Okla.....	3,500
Second Assistant P. M. G.—Joseph Stewart, Mo.....	5,000	Supt. Division of Postmasters' Appointments—Goodwin D. Ellsworth, N. C. ....	3,000
Third Assistant P. M. G.—Alex. M. Dockery, Mo.....	5,000	Gen. Supt. Div. of Ry. M. S.—Alexander H. Stephens, Cal....	4,000
Fourth Assistant P. M.—James I. Blakslee, Pa.....	5,000	Supt. Div. of Dead Letters—Marvin M. McLean, Tex.....	2,750
Dir. Postal Savings System—Carter B. Keene, Me.....	5,000	Chief Inspector—Joe P. Johnston, Mo.....	4,000
Assistant Attorney-Gen.—William H. Lamar, Md.....	5,000	Disbursing Clerk—W. M. Mooney, Ohio .....	2,250
Purchasing Agent—James A. Edgerton, N. J.....	\$4,000		

**Interior Department.**

First Assistant Secretary—Andrieus A. Jones, N. Mex.....	\$5,000	Com. Ind. Affairs—Cato Sells, Tex.....	\$5,000
Assistant Secretary—Lewis C. Laylin, Ohio .....	4,500	Assistant Commis.—Fred H. Abbott, Neb.....	3,500
Chief Clerk—James I. Parker, Ind.....	4,000	Commis. Patents—Thomas Ewing, N. Y.....	5,000
Assistant Atty.-Gen.—Preston C. West, Okla.....	5,000	First Assistant Commis.—Robert T. Frazier, Tenn.....	4,500
Commis. Land Office—Clay Tallman, Nev.....	5,000	Assistant Commis.—Vacant.....	3,500
Assistant Commis.—Charles M. Bruce, Va.....	3,500	Chief Clerk Patents—Wm. F. Woolard, Ill.....	3,000
Commis. Pensions—Gaylord M. Saltzgeber, Ohio .....	5,000	Dirac. Geol. Surv.—George Otis Smith, Me.....	6,000
First Deputy Com. of Pensions—Edward C. Tieman, Mo.....	3,600	Chief Clerk Geol. Survey—Henry C. Rizer, Kan.....	2,500
Commis. Education—Phil'der P. Claxton, Tenn.....	5,000	Dirac. Reclamation Service—F. H. Newell, Pa.....	7,500
Chief Clerk—Lewis A. Kalbach, Pa.....	2,000	Dirac. Bureau of Mines—Jos. A. Holmes, N. C.....	6,000
		Chief Clerk—Van H. Manning, Miss.....	3,600

†Rank of Rear-Admiral while holding said office.

### Department of Justice.

Solicitor-Gen.—John W. Davis, W. Va.....	\$10,000	Solicitor of Internal Revenue— Fletcher Maddox, Mont.....	\$ 5,000
Assistant to Atty.-Gen.—Geo. Car- roll Todd, N. Y.....	7,000	Solicitor Dept. Commerce—Albert Lee Thurman, Ohio.....	5,000
Assistant Attorneys-General— Jesse C. Adkins, D. C.; Sam- uel H. Thompson, Col.; Win- fred T. Denison, N. Y.; Ernest Knaebel, Col.; Samuel J. Graham, Pa.; Preston C. West, Okla.; Wm. H. Lewis and Charles W. Cobb.....	5,000	Solicitor of the Treasury—Wm. T. Thompson, Neb.....	5,000
Assistant-Atty-Gen. P. O. Dept.— W. H. Lamar, Md.....	5,000	Chief Clerk—O. J. Field, Kan....	3,500
Solicitor State Dept.—Joseph W. Folk, Mo.....	5,000	Appointment Clerk—Charles B. Sornborger, Vt.....	2,000
		Atty. for Pardons—James A. Finch, N. Y.....	3,000
		Disbursing Clerk—James H. Mackey, Col.....	2,750
		Stpt. of Prisons—Robt. V. La Dow, N. Y.....	4,000
		Solicitor of Dept. of Labor—John B. Densmore, Mont.....	5,000

### Department of Agriculture.

Assistant Secretary—Beverly T. Galloway, Mo.....	\$5,000	Statistician—Leon M. Estabrook, Tex.....	\$4,000
Chief Clerk—Robt. M. Reese, D. C.....	3,000	Entomologist—L. O. Howard, N. Y.....	4,500
Solicitor—Francis G. Caffey, N. Y.	5,000	Chemist—Dr. Carl L. Alsberg, Mass.....	5,000
Appointment Clerk—R. W. Rob- erts, Ill.....	2,000	Chief Bureau Biological Survey— Henry W. Henshaw, Mass.....	3,500
Chief Weather Bureau—Chas. F. Marvin, Ohio.....	6,000	Direct. Public Roads—Prof. L. W. Page, Mass.....	4,000
Chief Bur. Animal Indust.—Dr. A. D. Melvin, Ill.....	5,000	Statistical Scientist—G. K. Holmes, Mass.....	3,500
Director Experiment Stations— A. C. True, Ct.....	4,500	Chief Bureau of Plant Industry— Wm. A. Taylor, Mich.....	5,000
Chief Div. Publications—Jos. A. Arnold, Ind....	3,250	Librarian—Miss C. R. Barnett, N. Y.....	2,000
Chief Div. Accounts—A. Zappone, D. C.....	4,000	Chief, Office of Markets—Chas. J. Brand, Ill.....	3,600
Chief Bureau Soils—Milton Whit- ney, Md.....	4,000	Chief, Office of Information—Geo. W. Wharton, N. Y.....	2,500
Chief Forest Service—Henry S. Graves, Ct.....	5,000		

### Department of Commerce.

Assistant Secretary—Edwin F. Sweet, Mich.....	\$5,000	Sup. Coast & Geod. Survey—O. H. Tittmann, Mo.....	\$6,000
Chief Clerk—George C. Havenner D. C.....	3,000	Sup. Insp.-Gen. Stbt. Serv.—Geo. Uhler, Pa.....	4,000
Disbursing Clerk—George Johan- nes, Ohio.....	3,000	Commissioner Fisheries—Hugh M. Smith, D. C.....	6,000
Commis. Corporations—Joseph E. Davies, Wis.....	5,000	Commis. Navigation—E. T. Cham- berlain, N. Y.....	4,000
Chief Bureau of Foreign and Do- mestic Commerce—A. H. Bald- win, Ct.....	4,000	Director Bur. Standards—S. W. Stratton, Ill.....	6,000
Comm. Lt.-H. Bureau—G. R. Put- nam, Ia.....	5,000	Ch. Div. Appointments—G. W. Leadley, N. Y.....	2,500
Director Census—Wm. J. Harris, Ga.....	6,000	Ch. Div. Supplies—W. W. Fowler. Ch. Div. Publications—Dan C. Vaughan, Ga.....	2,100 2,500

**Department of Labor.**

Assistant Secretary—Louis F. Post, Ill.....	\$5,000	Commis. Naturalization—Richard K. Campbell, Va.....	\$3,500
Solicitor—John B. Densmore, Mont.....	5,000	Commis. Labor Statistics—Royal Meeker, N. J.....	5,000
Chief Clerk—Robert Watson, Mass.....	3,000	Ch. Children's Bureau—Julia C. Lathrop, Ill.....	5,000
Disbursing Clerk—George G. Box, N. Y.....	3,000	Ch. Div. Inform.—T. V. Powderly, Pa.....	3,500
Commis.-Gen. Immigration—A. Caminetti, Cal.....	5,000		
President Civil Service Commis.— J. A. McIlhenny, La.....	\$4,500	Public Printer—Cornelius Ford, N. J.....	\$5,500
Civil Service Commis.—Chas. M. Galloway, S. C.....	4,000	Librarian of Congress—Herbert Putnam.....	6,500
Civil Service Commis.—Herman W. Craven, Wash.....	4,000	Assistant Librarian—Appleton P. C. Griffin.....	4,000
Chief Examiner Civ. Ser.—George R. Wales, Vt.....	3,000	Director-General Pan-American Union—John Barrett, D. C.....	5,000
Secretary Civil Service.. John T. Doyle, N. Y.....	2,500	Asst. Director—Francisco J. Yanes, Venez.....	3,000
		Chief Clerk—Franklin Adams, Cal.	2,500

**Interstate Commerce Commission.**

Edgar E. Clark, Iowa, Chairman..	\$10,000	Charles A. Prouty, Vt.....	\$10,000
B. H. Meyer, Wis.....	10,000	John H. Marble, Cal.....	10,000
Judson C. Clements, Ga.....	10,000	James S. Harlan, Ill.....	10,000
C. C. McCord, Ky.....	10,000	Secretary—Geo. B. McGinty, Ga.	5,000

**Board of Indian Commissioners.**

Chair.—Geo. Vaux, Jr., Pa.	Warren K. Morehead, Mass.
Daniel Smiley, N. Y.	Samuel A. Eliot, Mass.
Merrill E. Gates, D. C.	Frank Knox, N. H.
William D. Walker, N. Y.	Secretary to the Board—F. H. Abbott, Washington, D. C.
Wm. H. Ketcham, D. C.	
Edward E. Ayer, Ill.	

The board commissioned directly by the President serves without salary.

**UNITED STATES JUDGES OF THE NINTH JUDICIAL CIRCUIT.****Judges of the United States Circuit Court of Appeals.**

Hon. Joseph McKenna, Circuit Justice.	Hon. William W. Morrow, Circuit Judge.
Hon. William B. Gilbert, Circuit Judge.	Hon. William H. Hunt, Circuit Judge.
Hon. Erskine M. Ross, Circuit Judge.	Frank D. Monckton, Clerk.

**Judges of the United States District Courts.**

Hon. Cornelius H. Hanford, District Judge.	Hon. William C. Van Fleet, District Judge.
Hon. Olin Wellborn, District Judge.	Hon. Robert S. Bean, District Judge.
Hon. John J. De Haven, District Judge.	Hon. Frank H. Rudkin, District Judge.
Hon. Charles E. Wolverton, District Judge.	Hon. George M. Bourquin, District Judge.
Hon. Edward S. Farrington, District Judge.	Hon. Edward E. Cushman, District Judge.
Hon. Frank S. Dietrich, District Judge.	

## STATE GOVERNMENT.

### LEGISLATIVE DEPARTMENT.

#### MEMBERS OF THE SENATE—FORTIETH SESSION, 1913.

Name.	Politics.	District.	County.	Address.
Anderson, John N.....	R.	39th...	Orange .....	Santa Ana
Avey, J. L.*.....	R.	30th...	San Bernardino .....	Redlands
Beban, D. J.*.....	R.	24th...	San Francisco .....	1243 Broadway
Benson, Frank H.....	R.	27th...	Santa Clara .....	San Jose
Birdsall, E. S.....	R.	3d....	Placer .....	East Auburn
Boynton, A. E.*.....	R.	28th...	Butte .....	Oroville
Breed, A. H.....	R.	15th...	Alameda. 3125 Webster street,	Oakland
Brown, William E.....	R.	37th...	Los Angeles.....	745 Whittier street
Bryant, E. F.*.....	R.	20th...	San Francisco .....	305 North avenue
Butler, Edwin M.....	R.	31st...	Los Angeles.....	5300 Figueroa street
Caminetti, A.*.....	D.	10th...	Amador .....	Jackson
Campbell, A. E.....	D.	17th...	San Luis Obispo.....	San Luis Obispo
Carr, William J.....	R.	36th...	Los Angeles .....	Pasadena
Cartwright, George W.*.....	D.	26th...	Fresno .....	Fresno
Cassidy, John J.....	R.	22d...	San Francisco .....	135 Seventh avenue
Cogswell, Prescott F.....	R.	33d...	Los Angeles .....	El Monte
Cohn, P. C.....	D.	7th....	Sacramento .....	Folsom
Curtin, J. B.....	D.	12th...	Tuolumne .....	Sonora
Finn, Thomas F.....	R.	23d...	San Francisco .....	925 Howard street
Flint, William R.....	R.	11th...	San Benito .....	Hollister
Gates, Lee C.*.....	R.	34th...	Los Angeles.....	201 New High street
Gerdes, Fred C.....	R.	21st...	San Francisco.....	2273 Mission St.
Grant, Edwin E.....	D.	19th...	San Francisco.....	2504 Clay street
Hans, George J.*.....	R.	14th...	Alameda .....	Fruitvale
Hewitt, Leslie R.*.....	R.	38th...	Los Angeles. 1212 South Alvarado street	San Jose
Jones, Herbert L.....	R.	28th...	Santa Clara .....	San Jose
Juilliard, L. W.*.....	D.	8th....	Sonoma .....	Santa Rosa
Kehoe, William.....	R.	1st....	Humboldt .....	Eureka
Larkins, R. O.*.....	R.	32d...	Tulare .....	Visalia
Lyon, Henry H.....	R.	29th...	Los Angeles... 826 East Seventh street	Visalia
Mott, D. W.....	R.	25th...	Ventura .....	Santa Paula
Owens, James C.....	D.	9th....	Contra Costa.....	Richmond
Regan, D. P.*.....	R.	18th...	San Francisco .....	1213 Market street
Rush, Benjamin F.....	R.	5th....	Solano .....	Suisun
Sanford, J. B.*.....	D.	4th....	Mendocino .....	Ukiah
Shanahan, T. W. H.*.....	D.	2d....	Shasta .....	Redding
Strobridge, Ed. K.....	R.	13th...	Alameda .....	Hayward
Thompson, Newton W.....	R.	35th...	Los Angeles .....	Alhambra
Tyrrell, Edward J.*.....	R.	16th...	Alameda. 961 Kirkham Street,	Oakland
Wright, Leroy A.*.....	R.	40th...	San Diego .....	San Diego

#### MEMBERS OF THE ASSEMBLY—FORTIETH SESSION, 1913.

Alexander, John K.....	D.	48th...	Monterey .....	Salinas
Ambrose, Thomas L.....	R.	66th...	Los Angeles. 1814 Pennsylvania avenue	San Jose
Bagby, Henry C.....	D.	59th...	Santa Barbara .....	Santa Maria
Beck, George .....	D.	34th...	Alameda .....	Livermore
Benedict, Henry S.....	R.	63d...	Los Angeles .....	1739 Kingsley drive
Bloodgood, F. H.....	R.	62d...	Los Angeles .....	Inglewood
Bohnett, L. D.....	R.	44th...	Santa Clara .....	San Jose
Bowman, D. D.....	R.	43d...	Santa Cruz .....	Ben Lomond
Bradford, Hugh B.....	D.	15th...	Sacramento .....	Sacramento
Brown, Henry Ward.....	R.	42d...	San Mateo .....	Colma
Bush, William B.....	R.	26th...	San Francisco .....	33 Diamond street

\*Holdover.



## MEMBERS OF THE ASSEMBLY—FORTIETH SESSION, 1913—Continued.

Name.	Pol- tics.	Dis- trict.	County.	Address.
Byrnes, Charles W.....	R.	17th...	Marin .....	San Rafael
Canepa, Victor J.....	R.	33d...	San Francisco .....	454 Union street
Cary, L. B.....	R.	52d...	Fresno .....	Reedley
Chandler, W. F.....	R.	50th...	Fresno .....	Fresno
Clark, William C.....	R.	37th...	Alameda .....	53 Montecito street, Oakland
Clarke, George A.....	R.	47th...	Inyo .....	Bishop
Collins, William M.....	R.	24th...	San Francisco .....	268 Day street
Cram, James E.....	R.	58th...	San Bernardino .....	Highland
Dower, Will A.....	D.	16th...	Calaveras .....	San Andreas
Ellis, William H.....	R.	77th...	Riverside .....	Riverside
Emmons, Elijah A.....	R.	71st...	Los Angeles.....	5863 Denver avenue
Farwell, Lyman .....	R.	75th...	Los Angeles.....	2908 Figueroa street
Ferguson, Daniel .....	R.	38th...	Alameda.....	65 Seventh street, Oakland
Finnegan, George B.....	D.	9th...	Nevada .....	Nevada City
Fish, Howard J.....	R.	67th...	Los Angeles .....	Pasadena
Fitzgerald, George .....	R.	39th...	Alameda.....	1432 14th street, Oakland
Ford, John J., Jr.....	D.	22d...	San Francisco.....	801 Mendell street
Gabbert, Thomas G.....	R.	60th...	Ventura .....	Ventura
Gates, Egbert J.....	R.	69th...	Los Angeles .....	South Pasadena
Gelder, George.....	R.	40th...	Alameda .....	Berkeley
Green, A. B.....	R.	53d...	San Luis Obispo.....	San Luis Obispo
Griffin, J. J.....	D.	49th...	Merced .....	Merced
Guiberson, J. W.....	D.	54th...	Kings .....	Corcoran
Guill, John H., Jr.....	D.	7th...	Butte .....	Chico
Hayes, D. R.....	R.	45th...	Santa Clara .....	San Jose
Hinkle, E. C.....	R.	79th...	San Diego.....	San Diego
Inman, J. M.....	R.	14th...	Sacramento .....	Sacramento
Johnson, George H.....	R.	57th...	San Bernardino .....	San Bernardino
Johnston, T. D.....	R.	18th...	Contra Costa.....	Richmond
Johnstone, W. A.....	R.	68th...	Los Angeles .....	San Dimas
Judson, Fred E.....	R.	80th...	San Diego .....	Escondido
Killingsworth, W. S., Sr.....	D.	10th...	Solano .....	Vacaville
Kingsley, C. W.....	S.	65th...	Los Angeles .....	407 Daly street
Kuck, Arthur G.....	R.	72d...	Los Angeles ...	2662 Vermont avenue
Libby, G. W.....	D.	12th...	Sonoma .....	Sebastopol
McCarthy, William C.....	D.	25th...	San Francisco .....	2897 Folsom street.
McDonald, Walter A.....	R.	21st...	San Francisco.....	503 Minnesota street
Moorhouse, H. W.....	R.	78th...	Imperial .....	Heber
Morgenstern, Alfred .....	R.	35th...	Alameda .....	Alameda
Mouser, Frank H.....	R.	74th...	Los Angeles.....	771 Maple avenue
Murray, J. A.....	R.	8th...	Yolo .....	Woodland
Nelson, H. C.....	R.	2d...	Humboldt .....	Eureka
Nolan, Edward J. D.....	R.	30th...	San Francisco.....	1338 McAllister street
Palmer, James M.....	D.	11th...	Napa .....	Napa
Peairs, Howard A.....	R.	73d...	Los Angeles.....	165 E. Thirty-sixth place
Polsley, Harry .....	D.	5th...	Tehama .....	Red Bluff
Richardson, I. A.....	D.	29th...	San Francisco.....	3634 Seventeenth avenue
Roberts, W. A.....	R.	61st...	Los Angeles.....	5327 Monte Vista street
Ryan, James J.....	R.	23d...	San Francisco .....	3252 Harrison street
Schmitt, Milton L.....	R.	31st...	San Francisco .....	460 Montgomery street
Scott, William S.....	R.	28th...	San Francisco .....	427 Ninth avenue
Shannon, Arthur L.....	D.	32d...	San Francisco .....	615 Post street
Shartel, A. F.....	R.	4th...	Modoc .....	Alturas
Shearer, William B.....	D.	1st...	Siskiyou .....	Yreka
Simpson, William E.....	D.	56th...	Kern .....	Bakersfield
Slater, H. W.....	D.	13th...	Sonoma .....	Santa Rosa

Name.	Politics.	District.	County.	Address.
Smith, Frank M.....	R.	36th...	Alameda	1929 24th avenue, Oakland
Strine, John H.....	R.	70th...	Los Angeles	Downey
Stuckenbruck, J. W.....	D.	19th...	San Joaquin	Acampo
Sutherland, W. A.....	R.	51st...	Fresno	Fresno
Tulloch, David W.....	D.	46th...	Stanislaus	Oakdale
Wall, W. C.....	D.	20th...	San Joaquin	Stockton
Walsh, Edward P.....	D.	27th...	San Francisco	19 Beulah street
Weisel, Hans V.....	R.	76th...	Orange	Anaheim
Weldon, T. J.....	D.	6th...	Mendocino	Ukiah
White, C. William.....	R.	3d...	Trinity	Weaverville
Woodley, Frank E.....	R.	64th...	Los Angeles	470 Hartford avenue
Wyllie, G. W.....	R.	55th...	Tulare	Dinuba
Young, C. C.....	R.	41st...	Alameda	Berkeley

## CONGRESSMEN.

Name.	District.	Address.
John E. Raker.....	1st.....	Alturas, Modoc County, Cal.
William Kent.....	2d.....	Kentfield, Marin County, Cal.
C. F. Curry.....	3d.....	1515 I street, Sacramento, Cal.
Julius Kahn.....	4th.....	2712 Webster street, San Francisco, Cal.
John I. Nolan.....	5th.....	1402 Guerrero street, San Francisco, Cal.
Joseph R. Knowland.....	6th.....	1543 Everett street, Alameda, Cal.
Denver S. Church.....	7th.....	1338 N street, Fresno, Cal.
Everis A. Hayes.....	8th.....	Edenvale, Santa Clara County, Cal.
Charles W. Bell.....	9th.....	726 St. John avenue, Pasadena, Cal.
Stephens.....	10th.....	1108 W. Twenty-seventh street, Los Angeles, Cal.
William Kettner.....	11th.....	2965 Union street, San Diego, Cal.

## UNITED STATES SENATORS.

George C. Perkins.....	Oakland, Cal.
John D. Works.....	Los Angeles, Cal.

## JUDICIAL DEPARTMENT.

## SUPREME COURT.

The terms of the Justices are twelve years.

Permanent address: Wells-Fargo Building, Second and Mission streets, San Francisco.

TERMS OF COURT.—The Supreme Court meets at the following places, viz.:

At Wells-Fargo Building, Second and Mission streets, San Francisco, on the second Monday in January, and on the third Monday in July.

At Bullard Block, Los Angeles, on the first Monday in April, and on the second Monday in October.

At the State Capitol, Sacramento, on the first Monday in May, and on the second Monday in November.

Name.	Office.	Term Ends.
W. H. Beatty.....	Chief Justice	January, 1915
F. M. Angellotti.....	Associate Justice	January, 1915
Lucien Shaw.....	Associate Justice	January, 1915
F. W. Henshaw.....	Associate Justice	January, 1919
Wm. G. Lorigan.....	Associate Justice	January, 1919
Henry A. Melvin.....	Associate Justice	January, 1923
M. C. Sloss.....	Associate Justice	January, 1923

**Officers and Employees.**

Name.	Office.	Where Employed.
C. P. Pomeroy.....	Reporter Decisions .....	San Francisco
H. L. Gear.....	Asst. Rep. Dec. ....	San Francisco
H. C. Finkler.....	Secretary .....	San Francisco
J. B. Dryden.....	Secretary .....	San Francisco
W. J. Nicholson.....	Phon. Reporter .....	San Francisco
F. S. Lafferty.....	Phon. Reporter .....	San Francisco
A. W. Poole.....	Bailiff .....	San Francisco
James M. Meredith.....	Bailiff .....	Los Angeles
John F. Tyler.....	Librarian .....	San Francisco

**DISTRICT COURTS OF APPEAL.****First Appellate District.**

Court meets at Wells-Fargo Building, Second and Mission streets, San Francisco.

Name.	Office.	Term Ends.
Thos. J. Lennon.....	Presiding Justice .....	January, 1923
Frank H. Kerrigan.....	Associate Justice .....	January, 1915
John E. Richards.....	Associate Justice .....	January, 1919

**Officers and Employees.**

P. J. Hayselden.....	Clerk .....	Pleasure
J. B. Martin.....	Deputy Clerk .....	of
W. E. Tucker.....	Phon. Reporter .....	court.
D. C. McGannay.....	Bailiff .....	

**Second Appellate District.**

Court meets at International Bank Building, Los Angeles.

Name.	Office.	Term Ends.
N. P. Conrey.....	Presiding Justice .....	January, 1915
Victor E. Shaw.....	Associate Justice .....	January, 1923
William P. James.....	Associate Justice .....	January, 1919

**Officers and Employees.**

W. D. Shearer.....	Clerk .....	Pleasure
H. C. Lillie.....	Deputy Clerk .....	of
J. H. Crumrine.....	Reporter .....	court.
W. H. Morris.....	Bailiff .....	

**Third Appellate District.**

Court meets at State Capitol, Sacramento.

Name.	Office.	Term Ends.
Norton P. Chipman.....	Presiding Justice .....	January, 1919
Elijah C. Hart.....	Associate Justice .....	January, 1915
Albert G. Burnett.....	Associate Justice .....	January, 1923

**Officers and Employees.**

W. M. Lowell.....	Clerk .....	Pleasure
John T. Stafford.....	Deputy Clerk .....	of
Charles H. Adams.....	Phon. Reporter.....	court.
Geo. B. Donaldson.....	Bailiff .....	
John O'Donnell .....	Janitor .....	

**EXECUTIVE DEPARTMENT.****GOVERNOR.**

HIRAM W. JOHNSON.....Term ends January, 1915

Name.

Office.

Alexander McCabe .....Private Secretary

Martin C. Madsen.....Executive Secretary

Harriet B. Odgers.....Stenographer

Office, State Capitol.

**LIEUTENANT-GOVERNOR.**

ALBERT J. WALLACE.....Term ends January, 1915

**SECRETARY OF STATE.**

FRANK C. JORDAN.....Term ends January, 1915

**STATE CONTROLLER.**

JOHN S. CHAMBERS.....Term ends January, 1915

Office, State Capitol.

**STATE TREASURER.**

E. D. ROBERTS.....Term ends January, 1915

Office, State Capitol.

**ATTORNEY GENERAL.**

U. S. WEBB.....Term ends January, 1915

Name.

Office.

E. B. Power.....Assistant

Raymond Benjamin.....Chief Deputy

Malcolm C. Glenn.....Deputy

Robt. W. Harrison.....Deputy

J. H. Nourse.....Deputy

George Beebe.....Deputy

J. Charles Jones.....Deputy

Offices, State Capitol, Sacramento; room 1212 Humboldt Bank Building, San Francisco.

**SURVEYOR GENERAL AND EX-OFFICIO REGISTER OF STATE LAND OFFICE.**

W. S. KINGSBURY.....Term ends January, 1915

Office, State Capitol.

**SUPERINTENDENT OF STATE PRINTING.**

FRIEND WM. RICHARDSON.....Term ends January, 1915

**SUPERINTENDENT OF PUBLIC INSTRUCTION.**

EDWARD HYATT .....Term ends January, 1915

Office, State Capitol.

**CLERK OF SUPREME COURT.**

B. GRANT TAYLOR.....Term ends January, 1915

**THE ADJUTANT-GENERAL.**

E. A. FORBES.....Term at pleasure of the Governor

Office, State Capitol.

**RAILROAD COMMISSION.**

Name.	Office.
John M. Eshleman*.....	President
Harvey D. Loveland*.....	Commissioner
Alex Gordon*.....	Commissioner
Edwin O. Edgerton.....	Commissioner
Max Thelen.....	Commissioner and Att'y of Board
Charles R. Detrick.....	Secretary
Charles A. De Ligne.....	Assistant Secretary
E. A. Thompson.....	Chief Engineer
H. C. Hazzard.....	Chief of Service Department
L. E. Reynolds.....	Auditor
H. H. Sanborn.....	Rate Expert
Ralph A. Sollars.....	Official Reporter

\*Elected, 1910.

**STATE BOARD OF ACCOUNTANCY.**

Appointed by the Governor. Term, four years.

Name.	Term Expires.
Prentiss Maslin, President.....	May 27, 1912
John Hoesch, Vice-President.....	May 27, 1913
Thomas E. Atkinson, Secretary.....	May 27, 1913
John Forbes.....	May 27, 1914
William Dolge.....	December 12, 1915

Office of Secretary, 201 Sansome street, San Francisco.

**STATE BOARD OF AGRICULTURE.**

Appointed by the Governor. Term, four years. Term of office begins on the first day of February. The Board is classified into four classes of three members each, so that three members go out of office every year.

(Stats. 1880, p. 49.)

Name.	Office.	Term Expires.
A. L. Scott.....	President	February 1, 1915
Benjamin F. Rush.....	Vice-President	February 1, 1916
C. J. Chenu.....	General Superintendent.....	February 1, 1913
H. A. Jastro.....	Member	February 1, 1914
T. H. Ramsay.....	Member	February 1, 1914
Theodore Gier.....	Member	February 1, 1914
John M. Perry.....	Member	February 1, 1913
E. W. Howard.....	Member	February 1, 1913
George L. Warlow.....	Member	February 1, 1915
I. L. Borden.....	Member	February 1, 1915
C. W. Paine.....	Member	February 1, 1916
E. F. Mitchell.....	Member	February 1, 1912

Office, State Agricultural Building, Fair Grounds, Sacramento.

**DISTRICT BOARDS OF AGRICULTURE.**

(Stats. 1897, page 304; amended 1901, page 304; superseded and repealed and districts reorganized 1909, page 979.)

Appointed by the Governor, eight for each district. Term, four years.

Terms of all directors of the reorganized districts have expired and the Governor has not made appointments to fill, excepting in the Fourth, Sixth and Sixteenth districts. District fairs have not been held for several years, the Legislature failing to make any appropriations for this purpose. Districts having acting directors are:

**Fourth District.**

Jos. T. Grace, of Santa Rosa.....	Term expires December 1, 1913
A. W. Foster, of San Rafael.....	Term expires December 1, 1913
John P. Overton, of Santa Rosa.....	Term expires December 1, 1913
Frank Muther, of Santa Rosa.....	Term expires December 1, 1912

#### **Fourth District—Continued.**

H. M. LeBaron, of Valley Ford.....Term expires December 1, 1912  
W. H. Armsden, Santa Rosa.....Term expires December 1, 1915  
S. M. Augustine, San Rafael.....Term expires December 1, 1915  
Allen B. Lemmon, Santa Rosa.....Term expires December 1, 1915

#### **Sixth District.**

J. B. Lippincott, of Los Angeles.....Term expires January 9, 1916  
Kate Reynolds, of Los Angeles.....Term expires January 9, 1916  
Walker P. Stony, of Los Angeles.....Term expires December 1, 1912  
C. A. Canfield, of Los Angeles.....Term expires December 1, 1916

#### **Sixteenth District.**

Reginald W. Nuttall, of San Luis Obispo.....Term expires December 1, 1913  
John Donovan, of Nipomo.....Term expires December 1, 1913  
L. C. Routzahn, of Arroyo Grande.....Term expires December 1, 1912  
W. H. Warden, of San Luis Obispo.....Term expires December 1, 1912

### **STATE BOARD OF ARCHITECTURE.**

Appointed by the Governor. Term, four years. (Stats. 1901, page 541.)

For the purpose of examining applicants for certificates to practice architecture in California, the State is divided into northern and southern districts, and five members of the board appointed from each district.

#### **Northern District.**

Office, 1039-1041 Phelan Building. San Francisco.

The Northern District consists of all that portion of the State north of the northerly line of the counties of San Luis Obispo, Kern, and San Bernardino.

William Cullett, of San Francisco, President....Term expires November 26, 1914  
Edgar A. Mathews, of San Francisco, Treas...Term expires November 26, 1914  
J. Cather Newsom, of San Francisco.....Term expires November 26, 1914  
Sylvain Schnaittacher, of San Francisco.....Term expires April 1, 1914  
John Bakewell, of San Francisco.....Term expires June 8, 1916

#### **Southern District.**

Office, 721 American Bank Building, Los Angeles.

The Southern District consists of all of that portion of the State south of the northerly line of the counties of San Luis Obispo, Kern, and San Bernardino.

John P. Krempel, of Los Angeles, President....Term expires November 29, 1914  
Frederick L. Roehrig, of Los Angeles, Secretary..Term expires November 29, 1914  
W. S. Hebbard, of San Diego.....Term expires November 29, 1914  
Sumner P. Hunt, of Los Angeles.....Term expires November 29, 1914  
Octavius Morgan, of Los Angeles.....Term expires November 29, 1914

### **STATE BANKING DEPARTMENT.**

Superintendent of Banks appointed by the Governor. Holds office at pleasure of Governor.

(Stats. 1909, p. 87; amended 1911, p. 7.)

Name.	Office.
W. R. Williams.....	Superintendent of Banks
F. H. Thatcher.....	Chief Deputy
A. A. De Ligne.....	Attorney
R. E. Dobbs.....	Examiner
F. W. Sinclair.....	Examiner
E. D. Elliott.....	Examiner
C. B. Wingate.....	Examiner
L. V. Shaw.....	Examiner
G. Schammel.....	Examiner
W. S. Martin.....	Examiner

Special deputy superintendents appointed to assist in handling the affairs of banks in process of liquidation: S. P. Young, San Francisco; Geo. M. Mitchell, San Francisco; B. E. Trengrove, San Francisco; B. V. Moore, Los Angeles.  
Office, Postal Telegraph Building, San Francisco.

#### COMMISSIONER OF BUILDING AND LOAN ASSOCIATIONS.

Appointed by the Governor. Term at the pleasure of the Governor.

(Stats. 1905, p. 659; 1907, p. 631; 1911, p. 607.)

Name.	Office.
George S. Walker.....	Commissioner
James L. Fields.....	Secretary

Office, 604-606 Call Building, San Francisco.

#### TRUSTEES OF STATE BURIAL GROUND.

Appointed by the Governor, to hold office at his pleasure.

W. F. Knox, Jr.....	Sacramento
Preston L. Lykens.....	Sacramento

Vacancy: P. H. Russell resigned January 16, 1903.

#### SUPERINTENDENT OF CAPITOL BUILDING AND GROUNDS.

Appointed by the Governor. Term at the pleasure of the Governor.

(Stats. 1911, p. 572.)

GEORGE G. RADCLIFF.....of Watsonville

#### CAPITOL COMMISSIONERS.

Hiram W. Johnson (R).....	Governor
Frank C. Jordan (R).....	Secretary of State
Edward D. Roberts (R).....	State Treasurer

Martin C. Madsen (R), Secretary

#### STATE BOARD OF CHARITIES AND CORRECTIONS.

Appointed by the Governor. Term, four years.

(Stats. 1903, p. 482, as amended by Stats. 1911, c. 683.)

Hiram W. Johnson, Governor, ex officio.

Rabbi Martin A. Meyer, President, San Francisco .....	Term expires February 17, 1914
Carrie Parsons Bryant, Vice-President, Los Angeles .....	Term expires February 17, 1914
W. S. Tinning, Martinez.....	Term expires February 17, 1912
John B. Haynes, M. D., Los Angeles.....	Term expires February 17, 1916
Jessica B. Peixotto, Berkeley.....	Term expires February 17, 1916
Rev. Charles A. Ramm, San Francisco.....	Term expires June 30, 1915

Office of Board, 1007 Phelan Building, San Francisco.

#### INSPECTORS OF CITRUS FRUIT SHIPMENTS.

Appointed by the Governor. Term at pleasure of the Governor.

(Stats. 1901, p. 663; amended Stats. 1903, p. 338.)

#### BOARD OF COLTON HALL TRUSTEES.

Appointed by the Governor. Term, four years.

Name.	Term Expires.
Frank Mattison, President.....	April 12, 1907
Arthur Metz, Vice-President.....	April 12, 1907
William Jacks, Treasurer.....	April 12, 1907

#### STATE BOARD OF CONTROL.

Appointed by the Governor. Term at pleasure of the Governor.

(Stats. 1911, c. 349.)

John Francis Neylan (R), Chairman.....	Sacramento
C. L. Seavey (R).....	Pasadena
Freeman H. Bloodgood (R).....	San Francisco

**Accountancy Department.**

C. L. Avery.....	Superintendent of Accounts
H. S. Patterson.....	Assistant Superintendent of Accounts
Corning de Saules.....	Assistant Superintendent of Accounts
Geddes, J. A.....	Accountant

Office, State Capitol.

**CONSERVATION COMMISSION.**

Appointed by the Governor. Term at pleasure of the Governor.

George C. Pardee, Chairman.....	Oakland
Francis Cuttle .....	Riverside
J. P. Baumgartner.....	Santa Ana

Office, Room 702 Mills Building, San Francisco.

**STATE DAIRY BUREAU.**

Appointed by the Governor. Term, four years. The Board is classified so that the terms of office expire successively.

(Stats. 1897, p. 68.)

Name.	Term Expires.
E. P. Nissen.....	July 1, 1911
M. T. Freitas.....	July 1, 1912
J. R. Murphy.....	July 1, 1913

F. W. Andreasen (R), Agent and Secretary.  
Office, 25 California street, San Francisco.**STATE BOARD OF DENTAL EXAMINERS.**

Appointed by the Governor. Term, four years.

(Stats. 1901, p. 564.)

Name.	Term Expires.
Leland D. Jones.....	September 1, 1914
Frederick H. Houck.....	September 1, 1914
Chas. E. Rice .....	September 1, 1914
J. M. Blodgett, President.....	September 1, 1914
C. A. Herrick, Secretary.....	September 1, 1912
J. L. Pease, Treasurer.....	September 1, 1913
G. Maurice Crow.....	September 1, 1912
C. A. Litton.....	September 1, 1914

Office of the secretary, Room 401, 133 Geary street, San Francisco.

**STATE DENTAL SURGEON.**

Appointed by the Governor. Term, four years.

Leo. J. McMahon.....	San Francisco
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Term expires December 19, 1916.

**ECLECTIC MEDICAL SOCIETY OF THE STATE OF CALIFORNIA.**

H. Vandre, M. D., President.....	Ocean View
Hannah-Scott Turner, M. D., First Vice-President.....	Pomona
J. G. Tompkins, M. D., Second Vice-President.....	Oakland
H. Ford Scudder, Recording Secretary.....	Redlands
Ira A. Wheeler, M. D., Corresponding Secretary.....	Healdsburg
J. A. Munk, M. D., Treasurer.....	Los Angeles

Office of the president, 2935 San Jose avenue, Ocean View.

**STATE BOARD OF EDUCATION.**

Hiram W. Johnson, President.....	Governor
Edward Hyatt, Secretary.....	Superintendent of Public Instruction
Benjamin Ide Wheeler.....	President of University of California
Alexis F. Lange.....	

Professor of the Theory and Practice of Education, University of California	
Morris E. Dailey.....	President of State Normal School at San Jose
Jesse F. Millsbaugh.....	President of State Normal School at Los Angeles
Allison Ware .....	President of State Normal School at Chico



Edward L. Hardy.....President of State Normal School at San Diego  
 Frederic L. Burk.....President of State Normal School at San Francisco  
 Ednah A. Rich.....President of State Normal School at Santa Barbara  
 C. L. McLane.....President of State Normal School at Fresno  
 Office of secretary, State Capitol.

**DEPARTMENT OF ENGINEERING.**

(Stats. 1907, p. 215.)

**Advisory Board.**

Hiram W. Johnson.....Governor  
 J. J. Dwyer.....President State Board of Harbor Commissioners  
 F. W. Hatch.....General Superintendent of State Hospitals  
 W. F. McClure.....State Engineer  
 Charles D. Blaney. Burton A. Towne. N. D. Darlington.

**Consulting River Board.**

George W. Tatterson.....Stockton  
 Alexander Gordon .....Sacramento  
 E. S. Brown.....Sacramento  
 M. J. Boggs.....Colusa  
 W. J. Smith.....Vorden.

**Appointments.**

Name.	Office.
W. F. McClure.....	State Engineer
J. W. Woollett.....	State Architect
Paul M. Norboe.....	Assistant State Engineer
Jerome Newman.....	Assistant State Engineer
L. B. Luppen.....	Mechanical Engineer
Earle Freeman.....	Secretary
H. A. French.....	Purchasing Agent
C. F. Dean.....	Architectural Designer
E. D. Griffith.....	Testing Engineer
Edward Goodwin.....	Engineer Draftsman

**Auditing Department.**

Name.	Office.
J. H. Clarke.....	Auditor
A. J. Adams.....	Clerk
N. E. White.....	Clerk

Also 3 Filing Clerks; 1 Blue Print Pressman; 3 Stenographers; 1 Porter;  
 1 Messenger.

**STATE BOARD OF EQUALIZATION.**

Elected by districts. Terms of incumbents end January, 1915.

Name.	Office.
John S. Chambers.....	Controller and ex officio member
Edward Rolkin.....	Member of Board
John Mitchell.....	Member of Board, chairman
Richard E. Collins.....	Member of Board
Jeff McElvaine.....	Member of Board
T. M. Eby.....	Secretary
Prof. Carl C. Plehn.....	Adviser

Office, State Capitol.

Meetings, second Monday each month, and continuous sessions from first  
 Monday in March to second Monday in September.

**BOARD OF FISH AND GAME COMMISSIONERS.**

Appointed by the Governor, by and with the consent of the Senate. Term at pleasure of the Governor.

Stats. 1869-70, p. 663; Pol. Code, §§ 368, 642, 643.

F. M. Newbert, President, Sacramento.....Appointed August 3, 1911  
M. J. Connell, Los Angeles.....Appointed February 1, 1909  
Carl Westerfeld, San Francisco.....Appointed November 28, 1911  
Ernest Schaeffle, Secretary, San Francisco.....Appointed November 29, 1911

**Employees.**

Name.	Office.
J. S. Hunter.....	Assistant in Charge of Game Conservation
W. H. Shebley.....	Superintendent of Hatcheries
R. D. Duke.....	Attorney

**Head office, San Francisco (734 Mills Building).**

Under direction of Ernest Schaeffle, Secretary.

Arthur M. Fairfield.....	Assistant Secretary
O. H. Reichling.....	Claim Clerk

**Los Angeles office (510 Consolidated Realty Building).**

Under direction of Commissioner M. J. Connell.

**Fresno office (347 Forsyth Building).**

Under direction of Deputy A. D. Ferguson.

**Sacramento office (Forum Building).**

Under direction of Commissioner F. M. Newbert.

**DEPARTMENT OF FORESTRY.**

(Stats. 1905, p. 235.)

**State Board of Forestry.**

Hiram W. Johnson.....	Governor
Frank C. Jordan.....	Secretary of State
U. S. Webb.....	Attorney General
G. Morris Homans.....	State Forester

**BOARD OF STATE HARBOR COMMISSIONERS.**

Appointed by the Governor, by and with the advice and consent of the Senate. Term at pleasure of the Governor.

(Pol. Code, §§ 1002 and 2520.)

Name.	Office.
J. J. Dwyer, President.....	San Francisco
John H. McCallum.....	San Francisco
Thomas S. Williams.....	San Francisco

**Office and Employees.**

Name.	Office.
Leo V. Merle, Jr.....	Secretary
James Byrne, Jr.....	Assistant Secretary

Office, Ferry Building, San Francisco.

**HARBOR COMMISSIONERS FOR THE PORT OF EUREKA.**

Appointed by the Governor. Term, four years.

(Pol. Code, §§ 2567-2572.)

W. H. H. Heckman (R.), of Eureka.....	Term expires April 5, 1916
Adolph Ohman (R.), of Eureka.....	Term expires April 5, 1916

H. H. Woodcock (R.), of Eureka.....Term expires March 21, 1915  
 S. S. Silkwood (R.), of Eureka, Harbormaster.....Term expires July 6, 1915  
 Grace E. Campbell (R.), of Eureka, Secretary of the Board. Term expires July 6, 1913. Appointed by the Board.

The Board is also empowered to employ from time to time an attorney.

# **HARBOR COMMISSIONERS FOR THE BAY OF SAN DIEGO.**

Appointed by the Governor, by and with the advice and consent of the Senate.  
 Term of office, four years.

It is provided that the terms of office of the Commissioners shall expire successively.  
 (Pol. Code, §§ 2575-2608.)

F. R. Burnham, President.....Term expires January 19, 1915  
 C. H. Swallow, Secretary.....Term expires January 15, 1915  
 A. E. Roberts.....Term expires April 8, 1915  
 (Edgar Luce, Attorney.)

T. M. Shaw, Harbormaster, appointed February, 1911.

# **STATE BOARD OF HEALTH.**

Appointed by the Governor, by and with the consent of the Senate.

Term of office, four years.

(Stats. 1869-70, p. 329; Pol. Code, §§ 368, 369.)

Name.	Term Expires.
Martin Regensburger, M. D., President.....	September 7, 1914
W. LeMoyné Wills, M. D., Vice-President.....	September 7, 1914
Wallace A. Briggs, M. D.....	September 7, 1914
F. K. Ainsworth, M. D.....	September 7, 1914
James H. Parkinson, M. D.....	September 7, 1914
O. Stansbury, M. D.....	September 7, 1914
Louis H. Roseberry.....	Attorney

Office, State Capitol.

Members were appointed May 22, 1909, but not confirmed by Senate until September 7, 1910, term running from that date for four years.

# **State Bureau of Vital Statistics.**

George D. Leslie.....Statistician  
 Office, State Capitol.

# **State Hygienic Laboratory.**

(At Berkeley.)

Dr. W. A. Sawyer.....Director  
 Dr. J. C. Geiger.....Assistant

# **State Food and Drug Laboratory.**

(At Berkeley.)

Name.	Office.
M. E. Jaffa, M. S.....	Director
A. R. Mehrtens.....	Assistant

The Attorney is appointed by the Governor.

The Secretary and all others are appointed by the board.

The office of the State Board of Health and of the State Bureau of Vital Statistics is at the State Capitol, Sacramento.

The Hygienic Laboratory and the Pure Food and Drug Laboratory are located at the State University, Berkeley.

### CALIFORNIA HIGHWAY COMMISSION OF THE DEPARTMENT OF ENGINEERING.

Consists of three Commissioners appointed by the Governor, to hold office at the pleasure of the Governor.

(Stats. 1911, p. 823.)

Name.	Office.
Burton A. Towne.....	Commissioner
Chas. D. Blaney.....	Commissioner
N. D. Darlington.....	Commissioner

#### Employees.

Name.	Office.
Austin B. Fletcher.....	Highway Engineer
W. R. Ellis.....	Secretary

Office, Forum Building, Sacramento.

### HOMOEOPATHIC MEDICAL SOCIETY OF THE STATE OF CALIFORNIA.

Edgar R. Bryant, M. D., President.....350 Post street, San Francisco  
 W. J. Hawkes, M. D., First Vice-President.....  
 .....Wright & Callender Building, Los Angeles  
 Florella Estes, M. D., Second Vice-President....Auditorium Building, Los Angeles  
 Guy E. Manning, M. D., Secretary.....391 Sutter street, San Francisco  
 T. C. Low, M. D., Treasurer.....Auditorium Building, Los Angeles  
 Directors: George H. Martin, M. D., Butler Building, San Francisco; Wm. Boericke, M. D., 391 Sutter street, San Francisco; Sidney Worth, M. D., 391 Sutter street, San Francisco; James W. Ward, M. D., 391 Sutter street, San Francisco; H. M. Bishop, M. D., Los Angeles.

### STATE COMMISSIONER OF HORTICULTURE.

(See amended act, approved April 26, 1911.)

Appointed by the Governor. Term ends October 21, 1915.

A. J. Cook (R.), Claremont.....State Commissioner of Horticulture

### INDUSTRIAL ACCIDENT COMMISSION.

Name.	Term Expires.
A. J. Pillsbury, Chairman.....	August 31, 1915
Will J. French.....	August 31, 1914
Harris Weinstock .....	August 31, 1913

#### Employees.

Name.	Office.
Aaron L. Sapiro.....	Secretary
Hugh Jeidell .....	Statistician

Office, Royal Insurance Building, San Francisco.

### INSURANCE COMMISSIONER.

Appointed by the Governor, with the consent of the State. Term, four years.  
 Term of incumbent ends June 15, 1914.

(Stats. 1868, p. 336. Re-enacted 1872, Pol. Code, 368, 568, 569. Stats. 1907, p. 141.)

E. C. Cooper, Insurance Commissioner.

Name.	Office.
H. F. Risbrough.....	Deputy Insurance Commissioner
J. W. Stetson.....	Attorney

Office, 602 Mutual Bank Building, San Francisco.

**BUREAU OF LABOR STATISTICS.**

Appointed by the Governor, February 28, 1911. Term, at pleasure of the Governor.  
(Stats. 1883, p. 27; 1889, p. 6; 1907, pp. 306, 307; 1909, p. 36; 1911, pp. 39, 1205.)

John P. McLaughlin, of San Francisco.....Commissioner.

Name.

Office.

John Kean .....Deputy Commissioner  
John J. Tobin.....Deputy Commissioner, Los Angeles.  
Henry H. Lyon.....Asst. Deputy Commissioner, Los Angeles  
H. A. Scheel.....Statistician

Other appointments—Assistant stenographer and 4 Special Agents.  
Office, 807 Mechanics Building, 948 Market street, San Francisco.  
Los Angeles Office, Higgins Building.

**CALIFORNIA STATE LIBRARY.**

Board of Trustees appointed by the Governor. Term four years.

(Pol. Code, §§ 2292 and 2293.)

Charles S. Green (R.), Oakland, President.....Term expires February 28, 1912  
Bradner W. Lee (R.), Los Angeles.....Term expires February 28, 1914  
Allen B. Lemmon (R.), Santa Rosa.....Term expires February 28, 1914  
R. M. Richardson (R.), Sacramento.....Term expires February 28, 1914  
A. H. Hewitt (R.), Yuba City.....Term expires February 28, 1916

**State Librarian.**

Appointed by Trustees. Term ends July, 1914.

James L. Gillis.....of Sacramento.

Name.

Office.

Milton J. Ferguson.....Assistant Librarian  
Laura Steffens .....Second Assistant Librarian  
Margaret Eastman .....Chief Deputy and in charge of Order Dept.  
Susan T. Smith.....Reference Librarian  
Eudora Garoutte .....Head of California Department  
Alice J. Haines .....Head of Documents Department  
Mabel R. Gillis.....Head of Books for Blind Department  
Harriet G. Eddy.....County Library Organizer  
Annie L. Blanchard.....Shelf Lister  
Annie Lowry.....In charge of Periodicals and Binding  
Office, State Capitol.

**BOARD OF MEDICAL EXAMINERS OF THE STATE OF CALIFORNIA.**

Appointed by the Governor. Term, two years.

(Stats. 1907, p. 252; 1909, p. 418.)

Robert Campbell .....Los Angeles  
Fred F. Gundrun .....Sacramento  
Harry E. Alderson .....San Francisco  
W. W. Vanderburgh .....San Francisco  
William R. Maloney .....Los Angeles  
H. V. Brown .....Los Angeles  
H. Clifford Loos .....San Diego  
S. H. Buteau .....Oakland  
Charles B. Pinkham .....San Francisco  
Dain L. Tasker .....Los Angeles

Office of the Board, room 929 Butler Building, Geary and Stockton Streets, San Francisco.

**MEDICAL SOCIETY, STATE OF CALIFORNIA.**

O. D. Hamlin, President.....Oakland  
 C. S. Stoddard, First Vice-President.....Santa Barbara  
 J. R. Walker, Second Vice-President.....Fresno

Philip Mills Jones, Secretary.

Office, Butler Building, San Francisco.

Councilors: C. G. Kenyon, San Francisco, chairman; T. C. Edwards, Salinas; E. N. Ewer, Oakland; John Kuser, Novato; Antrim Edgar Osborne, Santa Clara; George H. Kress, Los Angeles; George H. Aiken, Fresno; James H. Parkinson, Sacramento; John C. Spencer, San Francisco; H. A. L. Ryfkogel, San Francisco; F. M. Pottenger, Monrovia; C. Van Zwatenburg, Riverside.

**STATE MINERALOGIST.**

Appointed by the Governor. Term of incumbent expires November 25, 1915.

Fletcher McNutt Hamilton.

Name.	Office.
E. B. Preston.....	Determinative Mineralogist
Fred L. Lowell.....	Curator
W. W. Thayer.....	Secretary

Office, Ferry Building, San Francisco.

**TRUSTEES STATE MINING BUREAU.**

Appointed by the Governor. Term of office, four years.

(Stats. 1893, p. 203; amended Stats. 1903, p. 113; Stats. 1907, p. 935.)

John G. Fletcher (R.), of Oakland.....Term expires December 27, 1915  
 Henry E. Monroe (D.), of San Francisco.....Term expires July 8, 1916  
 Calvert Wilson (D.), of Los Angeles.....Term expires March 29, 1914  
 E. C. Hutchinson (R.), of San Francisco.....Term expires March 14, 1916

Office, Ferry Building, San Francisco.

**TRUSTEES OF STATE MINERAL CABINET.**

Appointed by the Governor. Term at pleasure of the Governor.

Harris Weinstock (R.), of San Francisco.....Appointed October 29, 1900  
 J. A. Woodson (R.), of Sacramento.....Appointed April 2, 1887  
 George Pyburn (R.), of Sacramento.....Appointed April 2, 1887

State Mineral Cabinet is located at Crocker Art Gallery, Second and O streets, Sacramento.

**BOARD OF MONTEREY CUSTOM-HOUSE TRUSTEES.**

Appointed by the Governor. Term, four years.

(Stats. 1901, p. 516.)

Name.	Term Expires.
Grant Towle, President.....	January 31, 1912
William Sandholt, Secretary.....	January 31, 1912
George S. Gould, Jr., Treasurer.....	January 31, 1912
Frank Mattison.....	January 31, 1914
Florence Porter Pfingst.....	January 31, 1914

**CALIFORNIA STATE BOARD OF EXAMINERS IN OPTOMETRY.**

Appointed by the Governor. Term, four years.

(Stats. 1903, p. 285; amended Stats. 1907, p. 63; Stats. 1909, p. 775.)

Name.	Term Expires.
John M. Forsyth, President.....	December 8, 1915
J. M. Crawford, Secretary.....	December 8, 1915
H. H. Weindieck.....	December 8, 1915

Office of the Secretary, Fresno, Cal.

**OSTEOPATHIC ASSOCIATION OF THE STATE OF CALIFORNIA.**

Lester R. Daniels, D.O., President.....Sacramento  
 Susan O. Harris, D.O., First Vice-President.....San Francisco  
 Grace E. Hain, D.O., Second Vice-President.....Stockton  
 C. A. Haines, D.O., Treasurer.....Sacramento  
 Effie E. York, D.O., Secretary.....San Francisco  
 Office of the Secretary, 1479 Geary Street, San Francisco.

**PANAMA-CALIFORNIA EXPOSITION COMMISSION.**

Consists of three members appointed by the Governor and serving at the pleasure of the Governor.

(Chap. 337, Stats. 1911.)

Date.	Name.	Position.
June 15, 1911.	George W. Marston, Chairman.....	Member
Apr. 17, 1912.	Russell C. Allen*.....	Member
June 15, 1911.	Thomas O'Halloran .....	Member

\*Vice L. J. Wilde, resigned.  
 Office, Administration Building, San Diego.

**PANAMA-PACIFIC INTERNATIONAL EXPOSITION COMMISSION.**

Governor Hiram W. Johnson.....San Francisco  
 Matt I. Sullivan, President.....San Francisco  
 Chester H. Rowell .....

Fresno  
 Marshall Stimson .....

Los Angeles  
 Arthur Arlett .....

Name.	Position.
Florence J. O'Brien .....	Secretary
Leo S. Robinson .....	Controller

Office, Exposition Building, San Francisco.

**STATE BOARD OF PHARMACY.**

Appointed by the Governor. Term, four years.  
 (Stats. 1905, p. 535; amended Stats. 1907, p. 766.)

Name.	Term Expires.
J. O. McKown, President.....	May 28, 1913
E. J. Molony, Treasurer .....	May 28, 1913
Edward T. Off .....	April 3, 1913
H. O. Bucker.....	April 3, 1913
Charles B. Whilden.....	April 3, 1913
H. J. Finger .....	May 28, 1913
G. M. Sutherland .....	April 3, 1913

Louis Zeh, of San Francisco, Secretary.

Office of Board, Suite 909-10, Butler Building, Geary and Stockton streets, San Francisco.

**PILOT COMMISSIONERS.**

Appointed by the Governor, by and with the advice and consent of the Senate.  
 Term at pleasure of the Governor.

**San Francisco, Mare Island, Vallejo and Benicia.**

Name.	Office.	Term Expires.
Charles Mayor, Commissioner .....		March 27, 1911
H. Z. Howard, Commissioner.....		March 27, 1911
William T. Lewis, Commissioner.....		March 27, 1912

Office, 311 Merchants' Exchange Building, San Francisco.

**Board of Pilot Commissioners for the Harbor of San Diego.**

Appointed by the Governor to serve at his pleasure, not exceeding four years.  
(Stats. 1911, c. 102.)

William R. Cushman, Commissioner.....March 29, 1911  
E. S. Potter, Commissioner.....March 29, 1911

Mayor of city of San Diego is ex-officio member of Board.

**PORT WARDENS.**

Appointed by the Governor, by and with the advice and consent of the Senate.  
Term, four years.

(There are four Port Wardens for the port of San Francisco, and one for every other port of entry within the State.)

(Pol. Code, §§ 368, 369, 2501.)

**San Francisco.**

Name.	Office.	Term Expires.
John Leale,	Port Warden.....	March 19, 1913
William H. Pratt,	Port Warden.....	Feb. 1, 1913
Thomas Wallace,	Port Warden.....	March 8, 1913

Office, 110 Market street, San Francisco.

**San Diego.**

A. J. Foster, Port Warden.....Feb. 1, 1913

**San Pedro and Wilmington.**

(Now under control of city of Los Angeles.)

Don. C. Fugitt, Port Warden.....Feb. 23, 1912  
Office, City Hall, Los Angeles.

**RECLAMATION BOARD.**

Appointed by the Governor. Term, at the pleasure of the Governor.

Three members. No pay.

(Stats. 1911, Extra Session, p. 117.)

Peter Cook, of Rio Vista.....	Appointed May 8, 1912
V. S. McClatchy, of Sacramento.....	Appointed May 8, 1912
W. T. Ellis, Jr., of Marysville.....	Appointed May 8, 1912
M. C. Zumwalt.....	
A. G. Folger.....	
Geo. A. Atherton.....	
Louis H. Frankenheimer.....	

**CALIFORNIA REDWOOD PARK COMMISSION.**

Appointed by the Governor. Term, four years. Composed of four members, with the Governor as ex-officio member.

(Stats. 1911, p. 8.)

Governor Hiram W. Johnson, ex-officio member.

Name.	Office.	Term Expires.
H. L. Middleton,	Commissioner.....	February 9, 1915
A. A. Taylor,	Commissioner.....	February 9, 1915
Charles B. Wing,	Commissioner.....	February 9, 1915
Walker Thornton,	Commissioner.....	



### COMMISSION FOR THE LOCATION AND CONSTRUCTION OF THE STATE REFORMATORY.

Consists of five members appointed by the Governor.

(Stats. 1911, p. 1088.)

Hiram W. Johnson, Governor.....	San Francisco
Albert J. Wallace, Lieutenant Governor.....	Los Angeles
C. E. McLaughlin, Sacramento.....	Appointed August 23, 1911
Earl A. Walcott, San Francisco.....	Appointed August 23, 1911
B. P. Oliver, San Francisco.....	Appointed August 23, 1911

### STALLION REGISTRATION BOARD.

(Stats. 1911, p. 1306.)

#### Directors.

A. L. Scott.....	President
Dr. Chas. Keane.....	State Veterinarian
George Robertson.....	Secretary

Office of Secretary, State Fair Grounds, Sacramento.

### BOARD OF SUTTER'S FORT TRUSTEES.

Appointed by the Governor. Term, four years.

(Stats. 1891, p. 25.)

James M. Henderson (R.), of Sacramento, President....	Term expires August 1, 1915
Edward M. Lynch (R.), of Sacramento, Secretary....	Term expires March 19, 1911
George E. Bullock (R.), of Sacramento.....	Term expires June 29, 1913
Henry Hahman (R.), of Santa Rosa.....	Term expires June 29, 1913
Frederick T. Duhring (R.), of Sonoma.....	Term expires June 29, 1913

Office, Sutter's Fort, Sacramento, Cal.

### CALIFORNIA STATE TRADES AND TRAINING SCHOOL.

(Location to be selected.)

#### Board of Trustees.

Appointed by the Governor. Term, four years.

(Stats. 1909, p. 887.)

W. H. Metson, of San Francisco.....	Term expires June 2, 1913
W. L. Crooks, of Benicia.....	Term expires July 1, 1913

#### Commission to Select Site.

Hiram W. Johnson.....	Governor
Frank C. Jordan.....	Secretary of State
U. S. Webb.....	Attorney General
J. B. Curtin.....	State Senator
E. L. Hawk.....	Member of Assembly

### VETERANS' HOME OF CALIFORNIA.

#### Board of Directors.

Samuel W. Backus, of San Francisco.....	Term expires July 1, 1913
Hugh M. Burke, of San Francisco.....	Term expires July 1, 1913
W. H. Savage, of San Pedro.....	Term expires July 1, 1913
Dr. G. Parker Dillon, of Sacramento.....	Term expires July 1, 1915
E. B. Hinman, of Sacramento.....	Term expires July 1, 1915
Hugh Hogan, of Oakland.....	Term expires July 1, 1915
J. C. Currier, of San Francisco.....	Term expires July 1, 1915

#### Officers of the Board in San Francisco.

Samuel W. Backus.....	President
Hugh M. Burke.....	Vice-President
B. J. Seoville.....	Assistant Secretary

Office, Room 506 Macdonough Building, 333 Kearny Street, San Francisco.

**Officers at the Veterans' Home.**

Name.	Position.
Gen. C. A. Woodruff, U. S. A. (retired).....	Commandant
C. de Colmesnil.....	Secretary and Treasurer

**STATE VETERINARIAN.**

Appointed by the Governor. Term, four years.

(Stats. 1899, p. 129; 1909, p. 431.)

Name.	Office.	Term Expires.
Dr. Charles Keane, State Veterinarian.....		March 19, 1913
Dr. Ward B. Rowland, Assistant State Veterinarian.....		March 19, 1917
Office, State Capitol, Sacramento.		

**STATE BOARD OF EXAMINERS IN VETERINARY MEDICINE.**

Appointed by the Governor. The act of 1909 provides that one member shall be appointed for one year; one for two years; one for three years; two for four years, and thereafter the term of office shall be four years.

(Stats. 1909, p. 278.)

Name.	Office.	Term Expires.
Robert A. Archibald, President.....		April 25, 1911
W. E. D. Morrison, Vice-President.....		April 30, 1914
Otis A. Longley, Secretary.....		April 25, 1911
David F. Fox, Treasurer.....		June 10, 1913
Ward B. Rowland.....		May 26, 1912
Office of Secretary, 616 I street, Fresno.		

**STATE COMMISSION ON VOTING OR BALLOT MACHINES.**

(Stats. 1903, p. 262.)

Hiram W. Johnson.....	Governor
Frank C. Jordan.....	Secretary of State
U. S. Webb.....	Attorney General
_____, Secretary.	

The following machines have received the approval of the Commissioners: United States Standard Voting Machine, Columbia Voting Machine, Dean Ballot Machine.

**STATE WATER COMMISSION.**

Consists of the Governor and State Engineer as ex-officio members, and three members appointed by the Governor. Term, four years. Of the three members first appointed one to serve one year, one to serve two years, one to serve three years. After that four years.

S. C. Graham, of Los Angeles.....	Term expires March 26, 1913
Harold T. Power, of Auburn.....	Term expires March 26, 1914
Charles D. Marx, of Palo Alto.....	Term expires March 26, 1915

Name.	Office.
Geo. W. Davis.....	Secretary Engineer
Offices, State Capitol, Sacramento; Room 702, Mills Building, San Francisco.	

**WOMEN'S RELIEF CORPS HOME ASSOCIATION OF CALIFORNIA.**

(Location of Home: Evergreen, Santa Clara County.)

**Board of Directors.**

Term of office, two years.

(Stats. 1907, p. 702. Pol. Code, §§ 2210-2210g.)

Cora A. Merritt, of San Mateo, President.....	Term expires June 29, 1914
L. May Eley, of San Jose, Vice-President.....	Term expires June 29, 1913
Sarah J. Farwell, of Oakland, Secretary.....	Term expires June 29, 1914

Susan M. McFarlin Taylor, of Oakland, Treasurer....Term expires June 29, 1913  
 Amanda Craker, of Santa Clara.....Term expires June 29, 1914  
 Cora A. Fenner, of San Francisco.....Term expires June 29, 1914  
 H. Augusta Tozer, of San Francisco.....Term expires June 29, 1914  
 Jessie Brainard, of Petaluma.....Term expires June 29, 1913  
 Lettie M. Winans, of Petaluma.....Term expires June 29, 1913  
 Belle Donovan, of San Francisco.....Term expires June 29, 1913  
 Belle Pomeroy, of San Jose.....Term expires June 29, 1913

**Advisory Board.**

C. Mason Kinne, Chairman.

W. R. Thomas.

E. S. Salomon.

N. P. Chipman.

J. B. Lauck.

E. L. Hawk.

T. J. Stone.

Office of Secretary, 469 Crescent street, Oakland.

**STATE CIVIL SERVICE COMMISSION.**

Charles Wesley Reed, San Francisco.....Term expires July 1, 1914  
 Edgar Williams, Redlands.....Term expires July 1, 1916  
 J. M. Hunter, Los Angeles.....Term expires July 1, 1917

**RECREATIONAL INQUIRY COMMISSION.**

Grace Fernald, M. D.....Los Angeles  
 James Edward Rogers.....San Francisco  
 Bessie Stoddart.....Los Angeles  
 August Vollmer.....Berkeley  
 C. A. Stebbins, M. D.....Chico

**LEGISLATIVE COUNSEL BUREAU BOARD.**

John H. Guill, Jr., Chico.....Term expires September 17, 1915  
 William C. Clark, Oakland.....Term expires September 17, 1915  
 Newton W. Thompson, Alhambra.....Term expires September 17, 1915  
 Edwin E. Grant, San Francisco.....Term expires September 17, 1915

**BOARD OF TRUSTEES OF THE HUMBOLDT STATE NORMAL SCHOOL.**

E. W. Haight, Fortuna.....Term expires September 18, 1914  
 Henry J. Bridges, Eureka.....Term expires September 16, 1915  
 Charlotte Gale, Eureka.....Term expires September 13, 1916  
 W. E. Cook, Eureka.....Term expires September 15, 1917  
 Rease M. Wiley, Arcata.....Term expires September 15, 1917

**INDUSTRIAL WELFARE COMMISSION.**

A. B. C. Dohrmann, San Francisco.....Term expires September 16, 1914  
 Walker Mathewson, San Jose.....Term expires September 16, 1914  
 Katherine Philips Edson, Los Angeles.....Term expires September 16, 1915  
 A. Bonheim, Sacramento.....Term expires September 16, 1916  
 Frank J. Murasky, San Francisco.....Term expires September 16, 1917

**STATE BOARD OF VITICULTURAL COMMISSIONERS.**

H. F. Stoll, San Francisco, Member at Large.....Term expires August 30, 1915  
 O. J. Wetmore, San Francisco, Member at Large.....Term expires August 30, 1915  
 Paul Masson, San Jose, Member at Large.....Term expires August 30, 1917  
 Sheridan Peterson, Windsor, Member First District..Term expires August 30, 1917  
 Frank T. Swett, Martinez, Member Second District..Term expires August 30, 1917  
 Carl E. Bundscher, S. F., Member Third District...Term expires August 30, 1917  
 Secondo Guasti, L. A., Member Fourth District...Term expires August 30, 1915  
 J. E. Beach, Fair Oaks, Member Fifth District...Term expires August 30, 1917  
 Wyllie M. Giffen, Fresno, Member Sixth District...Term expires August 30, 1915

**COMMISSION OF IMMIGRATION AND HOUSING.**

Paul Scharenberg .....	San Francisco
Edward J. Hanna.....	San Francisco
Simon Lubin.....	Sacramento
Arthur H. Fleming.....	Los Angeles
Mary A. Gibson.....	Los Angeles

**BOARD OF HARBOR COMMISSIONERS FOR THE PORT OF SAN JOSE.**

W. G. Alexander, San Jose.....	Term expires September 8, 1915
W. M. Southeimer, San Jose.....	Term expires September 8, 1916
Jno. D. Crummev, San Jose.....	Term expires September 8, 1917

**COMMISSION ON LOCATION AND PURCHASE OF SITE FOR CALIFORNIA SCHOOL FOR GIRLS.**

Mrs. C. M. Weyman, San Francisco.....	Term expires by Law
Mrs. Edgar German, Los Angeles.....	Term expires by Law
Mary Hamilton, Redlands.....	Term expires by Law
Mrs. D. G. Stephens, Santa Monica.....	Term expires by Law

**STATE BOARD OF EDUCATION.**

E. P. Clark, Riverside.....	Term expires August 29, 1914
L. E. Chenoweth, Bakersfield.....	Term expires August 29, 1915
Agnes Ray, Oakland.....	Term expires August 29, 1915
Charles Frank Stern, Eureka.....	Term expires August 29, 1916
George W. Stone, Santa Cruz.....	Term expires August 29, 1916
Mrs. O. Shepard Barnum, Los Angeles.....	Term expires August 29, 1917
William H. Langdon, San Francisco.....	Term expires August 29, 1917

**EDUCATIONAL INSTITUTIONS.****BOARD OF REGENTS OF UNIVERSITY OF CALIFORNIA.****Ex Officio.\***

(Pol. Code, § 1426.)

Hiram W. Johnson, of Sacramento, Governor and ex-officio President of the Board	
Albert J. Wallace, of Los Angeles.....	Lieutenant-Governor
Arthur H. Hewitt, of Yuba City.....	Speaker of the Assembly
Edward Hyatt, of Sacramento.....	State Superintendent of Public Instruction
A. Lowndes Scott, of San Francisco.....	President State Agricultural Society
Rudolph J. Taussig, of San Francisco.....	President of the Mechanics' Institute
Benjamin Ide Wheeler.....	President of the University.

**Appointed by the Governor.**

Term, Sixteen Years.

(Pol. Code, § 1426.)

Edward A. Dickson, of San Francisco.....	Term expires March 1, 1926
Philip E. Bowles, of San Francisco.....	Term expires March 1, 1922
John A. Britton, of San Francisco.....	Term expires March 1, 1914
Rudolph J. Taussig, of San Francisco.....	Term expires March 1, 1916
William H. Crocker, of San Francisco.....	Term expires March 1, 1924
Frederick W. Dohrmann, of San Francisco.....	Term expires March 1, 1920
Guy C. Earl, of Oakland.....	Term expires March 1, 1918
A. W. Foster, of San Francisco.....	Term expires March 1, 1916
Mrs. Phoebe Apperson Hearst, of San Francisco.....	Term expires March 1, 1914
Isaias W. Hellman, of San Francisco.....	Term expires March 1, 1918
Garret W. McEnerney, of San Francisco.....	Term expires March 1, 1920
James W. McKinley, of Los Angeles.....	Term expires March 1, 1920

\*Sections 353, 1425 and 1427 of the Political Code were amended in 1909, adding another ex-officio Regent in the person of the President of the Alumni Association of the University of California, but the Board of Regents has declined to seat such a member, on the ground that it is in conflict with section 9, article IX, of the State Constitution.

James K. Moffit, of San Francisco.....Term expires March 1, 1924  
 Minnie Eshleman Sherman, of Fresno .....Term expires March 1, 1926  
 Charles S. Wheeler, of San Francisco.....Term expires March 1, 1912  
 Charles A. Ramm, of San Francisco.....Term expires March 1, 1930

#### Officers of the Board of Regents.

Hiram W. Johnson, Governor.....President of the Board  
 Benjamin Ide Wheeler.....President of the University  
 Victor H. Henderson.....Secretary  
 I. W. Hellman, Jr., of San Francisco.....Treasurer  
 Warren Olney, Jr., of San Francisco.....Counsel  
 Ralph P. Merritt.....Comptroller

#### Standing Committees of the Board of Regents for the Year Ending June 30, 1912

Finance—Regents Earl, Foster, Britton, Moffitt, Taussig, and, as Member Emeritus, Regent Hellman.

Grounds and Buildings—Regents Britton, Mrs. Hearst, Dohrmann, Bowles, and C. S. Wheeler.

Agriculture—Regents Scott, Foster, Rowell, Hewitt, and Wallace.

Medical Instruction—Regents Moffitt, Crocker, Dohrmann, Mrs. Hearst, and Rowell.

Lick Observatory—Regents Dickson, McEnerney, Ramm, Budd, and Crocker.

Wilmerding School—Regents Taussig, Earl, and Crocker.

San Diego Marine Biological Laboratory—Regents McKinley, Wallace and Hyatt.

Executive Committee—This committee consists of the Chairmen of all other committees.

#### HASTINGS COLLEGE OF THE LAW—UNIVERSITY OF CALIFORNIA.

(Stats. 1877-78, p. 533.)

Located in San Francisco.

Founded by S. Clinton Hastings in 1878. Endowed by S. Clinton Hastings with \$100,000, the State agreeing to pay seven per centum interest annually. Transferred to the Directors and to the Regents of the University in 1878.

#### Directors.

Hon. William H. Beatty, Chief Justice of the Supreme Court, ex-officio  
 President of the Board.....of Sacramento  
 Thomas I. Bergin, Esq., Vice-President.....of San Francisco  
 James M. Allen, Esq.....of San Francisco  
 Perry Evans, Esq.....of San Francisco  
 W. C. Van Fleet, Esq.....of San Francisco  
 Hoyt D. Hastings, Esq.....of Suisun  
 Hon. Ralph C. Harrison.....of San Francisco  
 Warren Olney, Jr., Esq.....of San Francisco  
 Charles W. Slack, Esq.....of San Francisco

#### MEDICAL DEPARTMENT, UNIVERSITY OF CALIFORNIA.

Located in San Francisco. United with University April 1, 1873.

#### CALIFORNIA COLLEGE OF PHARMACY, UNIVERSITY OF CALIFORNIA.

Located in San Francisco.

This college was the outgrowth of the California Pharmaceutical Society, and was incorporated August 5, 1872; affiliated with the University May 15, 1873.

#### Officers.

Gaston E. Bacon.....President  
 Franklin Theodore Green.....Secretary and Dean  
 Richard E. White.....Treasurer

#### Directors.

Gaston E. Bacon	John H. Dawson	James G. Munson
Val Schmidt	Isaac Tobriner	Richard E. White
	Robert Alexander Leet	

**SAN FRANCISCO INSTITUTE OF ART.**

(Formerly Mark Hopkins Institute of Art.)

**Officers and Employees of the San Francisco Art Association.****Directors.**

Vanderlynn Stow	James D. Phelan	Josiah R. Howell
Warren D. Clark	Lorenzo P. Latimer	Henry Heyman
John I. Walter	Charles Templeton	Harry W. Seawell
Joseph D. Redding	Crocker	Thomas M. Pennell

**Officers of the Board of Directors.**

Vanderlynn Stow	President
Josiah R. Howell	First Vice-President
Lorenzo P. Latimer	Second Vice-President
Henry Heyman	Secretary
John I. Walter	Treasurer

**STATE NORMAL SCHOOL, SAN JOSE.**

Established in 1862.

**Board of Trustees.**

Appointed by the Governor, by and with the advice and consent of the Senate.

Term of office, four years.

(Pol. Code, § 354.)

Hiram W. Johnson.....Governor and ex-officio member of the Board  
 Edward Hyatt.....Supt. of Public Instruction, and ex-officio member of the Board

**STATE NORMAL SCHOOL, LOS ANGELES.**

Established in 1882.

**Board of Trustees.**

Appointed by the Governor, by and with the advice and consent of the Senate.

Term of office, four years.

(Pol. Code, section 354.)

Hiram W. Johnson.....Governor, and ex-officio member of the Board  
 Edward Hyatt....Supt. of Public Instruction, and ex-officio member of the Board

Name.	Term Expires.
Richard Melrose .....	July 1, 1914
Geo. I. Cochran .....	July 1, 1913
James A. B. Scherer .....	July 1, 1914
Edwin T. Earl.....	July 1, 1913
Arthur Letts .....	July 1, 1914

**STATE NORMAL SCHOOL, CHICO.**

Established in 1889.

**Board of Trustees.**

Appointed by the Governor, by and with the advice and consent of the Senate.

Term of office, four years.

(Pol. Code, § 354.)

Hiram W. Johnson.....Governor, and ex-officio member of the Board  
 Edward Hyatt....Supt. of Public Instruction, and ex-officio member of the Board  
 Allison Ware ..... Secretary |

Name.	Term Expires.
George P. Morse.....	July 1, 1916
F. M. Rutherford.....	July 1, 1914
Clifford Coggins .....	July 1, 1913
Florence J. O'Brien.....	July 1, 1914
John F. Ellison.....	July 1, 1912

**STATE NORMAL SCHOOL, SAN DIEGO.**

Established March 13, 1897.

**Board of Trustees.**

Appointed by the Governor, by and with the advice and consent of the Senate.  
Term of office, four years.

Hiram W. Johnson.....Governor, and ex-officio member of the Board  
Edward Hyatt....Supt. of Public Instruction, and ex-officio member of the Board

Name.	Term Expires.
Isidore B. Dockweiler.....	July 1, 1912
Charles C. Chapman.....	July 1, 1913
M. L. Ward.....	July 1, 1914
Willard B. Thorp.....	
Ernest E. White.....	

Edith Husted, Secretary.

**STATE NORMAL SCHOOL, SAN FRANCISCO.**

Established, 1899.

**Board of Trustees.**

Appointed by the Governor, by and with the advice and consent of the Senate.  
Term of office, four years.

(Pol. Code, § 354.)

Hiram W. Johnson.....Governor, and ex-officio member of the Board  
Edward Hyatt....Supt. of Public Instruction, and ex-officio member of the Board

Name.	Term Expires.
George E. Crothers.....	Term expires July 1, 1916
James B. Davidson.....	
Joseph H. Thompson.....	
P. M. Fisher.....	
F. S. Brittain.....	

**STATE NORMAL SCHOOL, FRESNO.**

Established 1911.

**Board of Trustees.**

Appointed by the Governor, by and with the advice and consent of the Senate.  
Term of office, four years.

Hiram W. Johnson.....Governor, and ex-officio member of the Board  
Edward Hyatt....Supt. of Public Instruction, and ex-officio member of the Board

Name.	Term Expires.
James Curran .....	May, 1913
H. Graff .....	May, 1914
M. B. Harris.....	May, 1915
W. H. Langdon.....	May, 1912
Irving Martin .....	May, 1913

C. L. McLane, Secretary.

**STATE NORMAL SCHOOL OF MANUAL ARTS AND HOME ECONOMICS,  
SANTA BARBARA.**

Established in March, 1909.

**Board of Trustees.**

Appointed by the Governor. Term, four years.

(Stats. 1909, c. 471, p. 795.)

Hiram W. Johnson.....	Governor, and ex-officio member of the Board
Edward Hyatt.....	Supt. of Public Instruction, and ex-officio member of the Board
Name.....	Term Expires.
Clio L. Lloyd.....	April 26, 1913
Charles A. Edwards.....	April 26, 1915
Jarret T. Richards.....	April 26, 1915
Thomas B. Bard.....	April 26, 1914
A. Bonnheim.....	April 26, 1914

**CALIFORNIA POLYTECHNIC SCHOOL, SAN LUIS OBISPO.****Board of Trustees.**

Appointed by the Governor. Term, four years.

(Stats. 1901, p. 115.)

Hiram W. Johnson.....	Governor, and ex-officio member of the Board
Edward Hyatt.....	Supt. of Public Instruction, and ex-officio member of the Board
Name.....	Term Expires.
Archibald McNeil, President.....	October 3, 1914
Wm. Shipsey, Vice-President.....	March 2, 1915
E. J. Wickson.....	October 3, 1914
Edward Simpson.....	March 2, 1915
Warren M. John.....	June 7, 1916

**CALIFORNIA INSTITUTION FOR THE DEAF AND THE BLIND.**

Established 1860.

**Board of Directors.**

Appointed by the Governor, by and with the advice and consent of the Senate.

Term, four years.

Name.....	Term Expires.
George W. Reed, President.....	March 11, 1914
Walter J. Mathews, Vice-President.....	February 1, 1913
Wiggington Creed.....	March 25, 1913
Melvin C. Chapman.....	March 25, 1913
J. Arthur Elston.....	March 25, 1913

**INDUSTRIAL HOME OF MECHANICAL TRADES FOR ADULT BLIND.****Board of Directors.**

Appointed by the Governor. Term at pleasure of Governor.

John P. Irish, President.....	Oakland
J. W. Scott.....	East Oakland
Warren Olney, Sr.....	Oakland
Geo. E. Randolph.....	Oakland
H. C. Capwell.....	Oakland



**STATE GOVERNMENT.**

**STATE HOSPITALS.**

**STATE COMMISSION IN LUNACY.**

Created in 1897.

Amended Stats. 1903, p. 485. Reorganized Stats. 1909,

Hiram W. Johnson, President.....  
Frank C. Jordan.....  
U. S. Webb.....  
F. W. Hatch, M. D..... General Superintendent  
F. W. Hatch, M. D. (R.), General Superintendent of State Hos  
by Governor. Term of office, four years; expires Marc  
E. S. Birdsall, Secretary of Commission. Appointed by Com  
office, four years.

**STOCKTON STATE HOSPITAL.**

Postoffice address, Stockton, California. Created April

**Board of Managers.**

Appointed by the Governor. Term, four years  
Stats. 1897, p. 316; 1903, p. 485. Reorganized, Stats. 190

**Name.**

Charles D. Fontana, President.....  
F. J. Dietrich.....  
J. C. McLeod.....  
W. B. Nutter.....  
Dr. Ellis Harbert.....

**NAPA STATE HOSPITAL.**

Postoffice, Napa, California. Created March 27,

**Board of Managers.**

Appointed by the Governor. Term, four years  
(Stats. 1897, p. 316; 1903, p. 485. Reorganized, Stats. 190

**Name.**

Emmett Phillips, President .....  
David Rutherford .....  
C. J. Corcoran.....  
H. J. Weidenman.....

**AGNEWS STATE HOSPITAL.**

Postoffice address, Agnew, Santa Clara County, California. Crea

**Board of Managers.**

Appointed by the Governor. Term, four years  
(Stats. 1897, p. 316; 1903, p. 485. Reorganized, Stats. 190

**Name.**

**Whence Appointed.**

Fred H. Bangs, President.. San Jose.....  
T. S. Montgomery..... San Jose.....  
Edward White ..... Watsonville.....  
Horace Wilson ..... San Francisco.....  
Duncan McPherson ..... Santa Cruz.....

L. M. Simonsen, Secretary and Treasurer, Board of

**SOUTHERN CALIFORNIA STATE HOSPITAL.**

Postoffice address, Patton, San Bernardino County, Cal. Created March 11, 1889.

**Board of Managers.**

Appointed by the Governor. Term, four years.

(Stats. 1897, p. 316; 1903, p. 485. Reorganized, Stats. 1909, pp. 56-78.)

Name.	Term Expires.
E. P. Clarke, President.....	April 15, 1915
A. B. Paddock.....	April 15, 1915
H. McPhee.....	December 10, 1914
Austin F. Park.....	December 8, 1914
Lyman M. King, Secretary and Treasurer, Board of Managers.	

**MENDOCINO STATE HOSPITAL.**

Postoffice address, Talmage, California. Created February 20, 1899.

**Board of Managers.**

Appointed by the Governor. Term, four years.

(Stats. 1897, p. 316; 1903, p. 485. Reorganized, Stats. 1909, pp. 56-78.)

Name.	Term Expires.
W. A. S. Foster, President.....	June 8, 1913
George D. Clark.....	March 18, 1912
John L. McNab.....	March 18, 1912
A. J. Fairbanks.....	February 16, 1914
A. Hochheimer.....	January 8, 1913
Charles F. Craig, Secretary and Treasurer, Board of Managers.	

**SONOMA STATE HOME.**

(Formerly known as the California Home for the Care and Training of Feeble-Minded Children.)

Postoffice address, Eldridge, California. Created March 18, 1885.

**Board of Managers.**

Appointed by the Governor. Term, four years.

(Stats. 1903, p. 485. Reorganized, Stats. 1909, pp. 56-78.)

Name.	Term Expires.
R. A. Poppe, President.....	May 21, 1916
C. E. Haven.....	August 28, 1914
Rev. A. C. Bane.....	November 28, 1915
Percy S. King.....	
E. M. Norton.....	May 21, 1916
F. A. Cromwell, Secretary and Treasurer, Board of Managers.	

**PUNITIVE AND REFORMATORY INSTITUTIONS.****STATE BOARD OF PRISON DIRECTORS.**

Appointed by the Governor, by and with the advice and consent of the Senate.

(Const., art. X, § 1.) Term, 10 years.

Dennis M. Duffy (R.), of San Francisco, President..	Term expires January 12, 1920
Tirey L. Ford (R.), of San Francisco.....	Term expires January 12, 1914
Warren R. Porter (R.), of San Francisco.....	Term expires January 12, 1916
Charles Sonntag (R.), of San Francisco.....	Term expires January 12, 1918
Charles L. Neumiller (R.), of Stockton.....	Term expires January 12, 1922
Clerk of Board, M. E. Noon.	

STATE GOVERNMENT.

Parole Officers.

Appointed by the State Board of Prison Directors. Term a Board.

Name.

Ed H. Whyte.....Parole Officer  
Stanley Murray.....Assistant Parole Officer  
E. W. Madden.....Assistant Parole Officer  
George W. Conart.....Assistant Parole Officer  
Office, Room 13, Ferry Building, San Francisco.

STATE PRISON AT SAN QUENTIN, CALIFORNIA

Postoffice address, San Quentin, Marin County, California.  
Officers and Employees.

Name.

James A. Johnston.....

STATE PRISON AT FOLSOM.

Postoffice address, Repressa, Sacramento County, California.  
Officers and Employees.

Name.

J. J. Smith,.....

WHITTIER STATE SCHOOL.

Established March 11, 1889.

Board of Trustees.

Appointed by the Governor. Term, four years. No  
(Stats. 1889, p. 111.)

Name.

Prescott F. Cogswell, President.....  
Benjamin F. Pearson.....  
William E. McVey.....

Officers and Employees.

Name.

Fred C. Nelles.....

PRESTON SCHOOL OF INDUSTRY.

Located near Ione. Postoffice address, Waterman, Amador County.

Board of Trustees.

Appointed by the Governor. Term, four years. The board is  
the terms of office expire successively.  
(Stats. 1893, p. 39.)

Name.

Arthur M. Seymour.....  
C. N. Lathrop.....Appointed  
C. H. McKenney.....

Officers and Employees.

Name.

Calvin Darrack.....

**CLASSIFICATION OF COUNTIES OF CALIFORNIA.**

(Stats. 1911, p. 97.)

Class.	County.	Population Census 1910.
1	Los Angeles—500,000 and over.....	504,131
2	San Francisco—400,000 under 500,000.....	416,912
3	Alameda—200,000 under 400,000.....	246,131
4	Santa Clara—80,000 under 200,000.....	83,539
5	Fresno—75,000 under 80,000.....	75,657
6	Sacramento—65,000 under 75,000.....	67,806
7	San Diego—60,000 under 65,000.....	61,665
8	San Bernardino—55,000 under 60,000.....	56,706
9	San Joaquin—50,000 under 55,000.....	50,731
10	Sonoma—40,000 under 50,000.....	48,394
11	Kern—36,000 under 40,000.....	37,715
12	Tulare—35,000 under 36,000.....	35,440
13	Riverside—34,500 under 35,000.....	34,696
14	Orange—34,000 under 34,500.....	34,436
15	Humboldt—32,000 under 34,000.....	33,857
16	Contra Costa—31,000 under 32,000.....	31,674
17	Santa Barbara—27,700 under 31,000.....	27,738
18	Solano—27,500 under 27,700.....	27,559
19	Butte—27,300 under 27,500.....	27,301
20	San Mateo—26,500 under 27,300.....	26,585
21	Santa Cruz—26,000 under 26,500.....	26,140
22	Marin—25,000 under 26,000.....	25,114
23	Monterey—24,000 under 25,000.....	24,146
24	Mendocino—23,000 under 24,000.....	23,929
25	Stanislaus—22,000 under 23,000.....	22,522
26	Napa—19,500 under 22,000.....	19,800
27	San Luis Obispo—19,300 under 19,500.....	19,383
28	Shasta—18,900 under 19,300.....	18,920
29	Siskiyou—18,500 under 18,900.....	18,801
30	Ventura—18,300 under 18,500.....	18,347
31	Placer—18,000 under 18,300.....	18,237
32	Kings—16,000 under 18,000.....	16,230
33	Merced—15,000 under 16,000.....	15,148
34	Nevada—14,000 under 15,000.....	14,955
35	Yolo—13,700 under 14,000.....	13,926
36	Imperial—13,000 under 13,700.....	13,591
37	Tehama—11,000 under 13,900.....	11,401
38	Yuba—10,000 under 11,000.....	10,042
39	Tuolumne—9,500 under 10,000.....	9,979
40	Calaveras—9,100 under 9,500.....	9,171
41	Amador—9,000 under 9,100.....	9,086
42	Madera—8,300 under 9,000.....	8,368
43	San Benito—8,000 under 8,300.....	8,041
44	Colusa—7,700 under 8,000.....	7,732
45	El Dorado—7,400 under 7,700.....	7,492
46	Glenn—7,000 under 7,400.....	7,172
47	Inyo—6,500 under 7,000.....	6,974
48	Sutter—6,300 under 6,500.....	6,328
49	Modoc—6,000 under 6,300.....	6,191
50	Lake—5,300 under 6,000.....	5,526
51	Plumas—5,000 under 5,300.....	5,259
52	Lassen—4,500 under 5,000.....	4,802
53	Sierra—4,000 under 4,500.....	4,098
54	Mariposa—3,500 under 4,000.....	3,956
55	Trinity—3,000 under 3,500.....	3,301
56	Del Norte—2,400 under 3,000.....	2,417
57	Mono—2,000 under 2,400.....	2,042
58	Alpine—less than 2,000.....	309

# Complete Directory Superior Court Recorder

"The Recorder" presents this in the Superior Court and County On the newly elected officials take office furnished to "The Recorder" through torney for the San Francisco Board of various counties who have furnished The list of officials follows:

## Superior Judges.

Alameda	Wm. S. Wells
	F. B. Ogden
	Everett J. Brown
	Wm. H. Donahue
	T. W. Harris
	Wm. H. Waite
Alpine	L. T. Price
Amador	Fred V. Wood
Butte	H. D. Gregory
Calaveras	John Hanson
Colusa	H. M. Albery
Contra Costa	Dept. 1—R. H. Latimer
	Dept. 2—A. B. McKenzie
Del Norte	John L. Childs
El Dorado	H. D. Arnot
Fresno	H. Z. Austin
	Geo. K. Church
Glenn	Wm. M. Finch
Humboldt	Clifton H. Connick
	George D. Murray
Imperial	Franklin J. Cole
Inyo	Wm. D. Dehy
Kern	J. W. Mahon
	Milton T. Farmer
	Howard A. Peaira
Kings	M. L. Short
Lake	M. S. Sayre
Lassen	Harry D. Burroughs
Los Angeles	John M. York
	James C. Rivas
	Frank G. Finlayson
	Lewis R. Works
	Charles Wellbourn
	Sidney N. Reeve
	John W. Shank
	Fred H. Taft
	Grant Jackson
	Paul J. McCormick
	Louie W. Myers
	Frederick W. Houser
	Chas. Monroe
	J. P. Wood
	Curtis D. Wilbur
	Leslie H. Hewitt
	Frank R. Willis
	Gavin W. Craig
Madera	W. M. Conley
Marin	Edgar T. Zook
Mariposa	J. J. Trahuco
Mendocino	J. Q. White
Merced	E. N. Hector
Modoc	Clarence A. Baker
Monu	Pat H. Parker
Monterey	J. A. Bardin
Napa	Henry C. Gosford
Nevada	George L. Jones
Orange	Z. B. West
	W. H. Thomas
Placer	J. E. Prewett
Plumas	J. O. Moncur
Riverside	F. E. Denamien
Sacramento	Charles O. Busch
	Malcolm C. Glenn
	Peter J. Shields
San Benito	John L. Hadner
San Bernardino	J. W. Curtis
	H. T. Dewhirst
San Diego	W. R. Guy, Dept. No. 1
	W. A. Sloane, Dept. No. 2
	T. L. Lawie, Dept. No. 3
	C. N. Andrews, Dept. No. 4
San Francisco	John J. Van Nostrand
	Edward P. Shortall
	Daniel C. Deasy
	Frank H. Dunne
	Harvard J. Flaud
Del Norte	A. J. Hoffman
El Dorado	Chas. E. Hand
Fresno	W. S. McSwain

Figur  
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**SUPERVISORS.**

Supervisors' sessions held first Monday in January, April, July, October; third Monday in July and September.

Ernest Scossa, Fourth District, Woodfords, Chairman.

Chas. W. Barrett, First District, Mark- G. P. Merrill, Third District, Wood-  
leeville. fords.

F. M. Rickey, Second District, Mark- B. W. Bassman, Fifth District, Freder-  
leeville. icksburg.

John Heimsoth, Fifth District, Fredericksburg, Justice of the Peace.

**AMADOR COUNTY.**

Forty-first class.

County seat, Jackson. Area, 586 square miles.

Office.	Name of Officer.
County Clerk and Auditor .....	John R. Huberty
Sheriff and Tax Collector .....	John S. Davis
Treasurer .....	George A. Gritton
Recorder .....	T. M. Ryan
District Attorney .....	William G. Snyder
Assessor .....	C. E. Jarvis
Superintendent of Schools .....	W. H. Greenhalgh
Coroner and Public Administrator .....	H. E. Potter
Surveyor .....	Gustave Schrader
Superior Judge .....	Fred V. Wood

**SUPERVISORS.**

Meet the first Monday of each month.

Lawrence Burke, Plymouth, Chairman.

John Strohm, First District, Jackson. L. H. Cook, Third District, Volcano.

W. M. Amick, Second District, Ione. D. A. Fraser, Fourth District, Sutter  
Creek.

**BUTTE COUNTY.**

Nineteenth class.

County seat, Oroville. Area, 1,764 square miles.

Office.	Name of Officer.
County Clerk .....	C. F. Belding
Chief Deputy County Clerk .....	W. B. Riddle
Sheriff .....	J. B. Webber
Tax Collector .....	S. S. Simon
Treasurer .....	J. C. Dooley
Auditor and Recorder .....	J. A. Tyler
District Attorney .....	George F. Jones
Assistant District Attorney .....	George F. Le Rossignol
Assessor .....	A. E. Morton
Superintendent of Schools .....	Minnie S. Abrams
Coroner and Public Administrator .....	John Wallace
Surveyor .....	M. C. Polk
Superior Judge .....	H. D. Gregory
Court Commissioner .....	W. H. White

**SUPERVISORS.**

Board of Supervisors meet in regular session on the first Monday in each month.

C. E. Porter, First District, Oroville, R. F. D. No. 2, Chairman.

R. P. Holmes, Second District, Chico. D. H. Evans, Fourth District, Gridley.

T. F. Whipple, Third District, Oroville, E. C. Wilson, Fifth District, Oroville,  
R. F. D. No. 3. R. F. D. No. 4.

**POLICE JUDGES.**

Jas. Lafferty, Ophir Township, Oroville. Richard White, Chico Township, Chico.

**COUNTY OFFICE**

**CALAVERAS COUNTY**

Fortieth class

County seat, San Andreas. Area

**Office.**

County Clerk, Auditor and Recorder .....  
Sheriff .....  
Tax Collector .....  
Treasurer .....  
District Attorney .....  
Assessor .....  
Superintendent of Schools .....  
Coroner and Public Administrator .....  
Surveyor .....  
Superior Judge .....  
Superior Judge .....  
Court Commissioner .....  
Probation Officer .....

**SUPERVISORS**

Meetings of Supervisors held first

R. V. March, Burson,

J. E. Holland, Murphys.

James B. Lundy, San Andreas.

**COLUSA COUNTY**

Forty-fourth class

County seat, Colusa. Area, 1,080 square miles

**Office.**

County Clerk and Recorder .....  
Sheriff .....  
Tax Collector .....  
Treasurer .....  
Auditor .....  
District Attorney .....  
Assessor .....  
Superintendent of Schools .....  
Coroner and Public Administrator .....  
Surveyor .....  
Superior Judge .....  
John B. Moore also acts as Police Judge for 11

**SUPERVISORS**

Meetings of board held first Monday

T. D. Cain, College City

P. V. Berkey, Colusa.

J. H. Kilgore, Colusa.

**CONTRA COSTA COUNTY**

Sixteenth class

County seat, Martinez. Area

**Office.**

County Clerk .....  
Sheriff .....  
Tax Collector .....  
Treasurer .....  
Recorder .....  
Auditor .....  
District Attorney .....

Assessor .....	G. O. Meese
Superintendent of Schools .....	W. H. Hanlon
Coroner .....	C. L. Abbott
Public Administrator .....	C. E. Daley
Surveyor .....	Elam C. Brown
Superior Judge .....	R. H. Latimer

**SUPERVISORS.**

Regular meetings, first Monday in each month.

J. H. Trythall, Fifth District, Antioch, Chairman.

Warren H. McBride, Richmond.	Vincent Hook, Third District, Concord.
J. P. Casey, Second District, Port Costa.	W. J. Buchanan, Fourth District, Pittsburg.

**DEL NORTE COUNTY.**

Fifty-sixth class.

County seat, Crescent City. Area, 1,546 square miles.

Office.	Name of Officer.
County Clerk .....	W. L. Nichols
Sheriff .....	A. J. Huffman
Tax Collector .....	W. T. Breen
Treasurer .....	D. W. Rice
Auditor and Recorder .....	N. G. McVay
Assessor .....	W. F. Malone
District Attorney .....	E. C. Hersch
Superintendent of Schools .....	J. M. Hamilton
Coroner and Public Administrator .....	J. A. Tyler
Surveyor .....	B. L. Cooper
Superior Judge .....	J. L. Childs
Court Commissioner .....	Geo. W. Howe

**SUPERVISORS.**

Board meets second Monday in each month.

Frank V. Vincent, Third District, Smith River, Chairman.

West Duley, First District, Crescent City.	Thomas Peacock, Fourth District, Crescent City.
W. W. McLaren, Second District, Crescent City.	Frank Laduron, Fifth District, Crescent City.

**EL DORADO COUNTY.**

Forty-fifth class.

County seat, Placerville. Area, 1,891 square miles.

Office.	Name of Officer.
County Clerk and Auditor .....	Ted C. Atwood
Recorder .....	Charles E. Marsh
Sheriff and Tax Collector .....	Chas. E. Hand
Treasurer .....	Guy E. Wentworth
District Attorney .....	Geo. H. Thompson
Assessor .....	George Rieber
Superintendent of Schools .....	S. B. Wilson
Coroner and Public Administrator .....	George Ruoff
Surveyor .....	Clifton H. Wildman
Superior Judge .....	N. D. Arnot

**SUPERVISORS.**

Board meets first Monday in each month.

J. J. Bayne, Coloma, Chairman.

P. F. Morgan, Georgetown.	John C. Akin, Placerville.
J. S. Creighton, Smiths Flat.	John Wall, Placerville.



**COUNTY OFFICE**

**FRESNO COUNTY**

Fifth class

County seat, Fresno. Area, 1

**Office.**

County Clerk .....  
Sheriff .....  
Tax Collector .....  
Treasurer .....  
Recorder .....  
Auditor .....  
District Attorney ..... M. F. McQ  
Assessor .....  
Superintendent of Schools .....  
Coroner .....  
Public Administrator .....  
Surveyor .....  
Superior Judge .....  
Superior Judge .....

**SUPERVISORS.**

Regular meeting of board, first Monday of  
Chris. Jorgensen, Fresno

J. B. Johnson, Fresno.

M. D. Huffman, Fresno.

Herbert F. Briggs, Police Judge, C

Geo. B. Graham, City Justice, Cit

**GLENN COUNTY**

Forty-sixth clas

County seat, Willows. Area, 1

**Office.**

County Clerk .....  
Sheriff and Tax Collector .....  
Treasurer .....  
Auditor and Recorder .....  
District Attorney .....  
Assessor .....  
Superintendent of Schools .....  
Coroner and Public Administrator .....  
Surveyor .....  
Superior Judge .....

**SUPERVISORS.**

Meetings first Monday of each month. Law

H. D. Wylie, Fifth District, But

P. O. Eibe, First District, Glenn. J. S.

David Brown, Second District, Orland. Seth

I

**TOWN RECORDER**

L. P. Farnham, W

## HENDERSON'S LEGAL MANUAL

.....	G. W. Murray
.....	Nannie E. Davidson
.....	J. C. Rice
.....	A. J. Nielsen
.....	M. L. Short
.....	Robt. W. Miller

### SUPERVISORS

Regular meetings first Monday in each month.

J. I. Hall, Chairman, Hanford.

..... W. T. Vaughan, Hanford.

..... A. F. Smith, Hanford.

### JURY EXAMINERS

.....

Edward Erlanger, Lemoore.

## LAKE COUNTY.

Fiftieth class.

County seat, Lakeport. Area, 1,330 square miles.

Office	Name of Officer.
County Clerk	Shafter Mathews
Sheriff	Lyon Fraser
Tax Collector	F. R. Farrier
Assessor	P. T. Boone
Recorder	J. W. Beck
Auditor	B. J. Turner
District Attorney	C. M. Crawford
Assessor	Fred H. Merritt
Superintendent of Schools	Hettie Irwin
Coroner and Public Administrator	Mark Mathews
Surveyor	D. F. McIntire
Superior Judge	M. S. Sayre

### SUPERVISORS

Meetings first Monday in each month.

Thomas Patton, Chairman, Fourth District, Lakeport.

..... C. W. Phillips, Third District, Upper

..... Lake.

..... J. S. Kelsay, Fifth District, Kelseyville.

## LASSEN COUNTY.

Fifty-second class.

County seat, Susanville. Area, 4,750 square miles.

Office	Name of Officer.
County Clerk	Geo. E. Bassett
Sheriff	A. C. Hunsinger
Treasurer and Tax Collector	W. W. Sharp
Auditor and Recorder	G. B. Bailey
District Attorney	G. P. Johnson
Assessor	N. V. Wemple
Superintendent of Schools	W. B. Philliber
Coroner and Public Administrator	A. K. Philbrook
Surveyor	Thad McKay
Superior Judge	H. D. Burroughs
Court Commissioner	Geo. N. McDow

**COUNTY OFFICIALS.**

**SUPERVISORS.**

Sessions, first Monday in January, March, May, July; third Monday in September, and second Monday in November.

George B. Leavitt, Chairman, Second District, C  
Geo. N. McDow, First District, Susan- H. E. Wood, Fourth  
ville. W. C. Brockman, Fi  
J. H. McClelland, Third District, man.  
Standish.

**LOS ANGELES COUNTY.**

**First class.**

County seat, Los Angeles. Area, 4,000 square miles.

**Office.**

[illegible]

**SUPERVISORS.**

**Meetings, first Monday each week.**

<b>B. W. Pridham</b> , Chairman, 350 El Centro, South Pasadena.	<b>S. A. Butler</b> , 601 Colorado, Los Angeles.
<b>C. D. Manning</b> , 1819 E. Colorado, Pasadena.	<b>W. E. Hinshaw</b> , 331 Long Beach.
<b>R. H. Horton</b> , 335 W. Twenty-seventh street, Los Angeles.	

**MADERA COUNTY.**

**Forty-second class.**

**County seat, Madera. Area, 2,140 square mil**

**Office.**

County Clerk .....  
 Sheriff .....  
 Tax Collector .....  
 Treasurer .....  
 Recorder .....  
 Auditor .....  
 District Attorney .....  
 Assessor .....  
 Superintendent of Schools .....  
 Coroner and Public Administrator .....  
 Surveyor .....  
 Superior Judge .....  
 Court Commissioner .....

**SUPERVISORS.**

Meetings, first Monday in each month, except September, which is the third Monday.

W. A. Ellis, O'Neals, Chairman.

F. D. Brown, Minturn.

J. P. Galeener, Madera.

C. A. Clark, Madera.

R. L. Wood, Raymond.

**MARIN COUNTY.**

Twenty-second class.

County seat, San Rafael. Area, 516 square miles.

Office.	Name of Officer.
County Clerk .....	Robert E. Graham
Sheriff .....	J. J. Keating
Recorder .....	F. S. Holland
Auditor .....	E. J. Connell
Treasurer .....	T. J. Fallon
Tax Collector .....	J. A. Saunders
Assessor .....	P. H. Cochrane
District Attorney .....	Thomas P. Boyd
Superintendent of Schools .....	J. B. Davidson
Coroner and Public Administrator .....	F. E. Sawyer
Surveyor .....	George L. Richardson
Superior Judge .....	Edgar T. Zook

**SUPERVISORS.**

Board meets the first Monday of each month.

G. Pacheco, Chairman, Fifth District, Ignacio P. O.

M. J. Pedrotti, First District, San Rafael. C. J. Gardner, Third District, Mill Valley.

M. Burke, Second District, San Rafael. Henry Goudy, Fourth District, Tomales.

**MARIPOSA COUNTY.**

Fifty-fourth class.

County seat, Mariposa. Area, 1,580 square miles.

Office.	Name of Officer.
County Clerk .....	W. E. Gallison
Sheriff .....	Robert A. Prouty
Tax Collector .....	D. E. Bertken
Treasurer .....	S. P. O. Counts
Recorder and Auditor .....	J. W. Pratt
District Attorney .....	R. B. Stolder
Assessor .....	F. A. Bondshu
Superintendent of Schools .....	John L. Dexter
Coroner and Public Administrator .....	D. E. Johnson
Surveyor .....	S. J. Harris
Superior Judge .....	J. J. Trabucco

**SUPERVISORS.**

Regular meetings of board, first Monday in January, February, March, April, May, June, July, October; second Monday of November and December; third Monday of September.

C. I. Mentzer, Coulterville, Chairman.

T. M. Farnsworth, Mariposa.

H. W. Cornett, Cathay.

J. W. Collins, Hornitos.

C. L. Bothe, Mariposa.

**COUNTY OFFICIALS.**

**MENDOCINO COUNTY.**

Twenty-fourth class.

County seat Ukiah. Area 3,400 square miles.

**Office.**

County Clerk.....  
Sheriff.....  
Tax Collector.....  
Treasurer.....  
Recorder.....  
Auditor.....  
District Attorney.....  
Assessor.....  
Superintendent of Schools.....  
Coroner and Public Administrator.....  
Surveyor.....  
Superior Judge.....  
Court Commissioner.....

**SUPERVISORS.**

A. J. Fairbanks, Willits, Chairman.

W. H. Ross, Fort Bragg.

J. W. Harris

F. W. Reynolds, Point Arena.

E. M. Ford, Ukiah.

**MERCED COUNTY.**

Thirty-third class.

County seat, Merced. Area, 1,750 square miles.

**Office.**

County Clerk.....  
Sheriff.....  
Tax Collector.....  
Treasurer.....  
Recorder.....  
Auditor.....  
District Attorney.....  
Assessor.....  
Superintendent of Schools.....  
Coroner and Public Administrator.....  
Surveyor.....  
Superior Judge.....

**SUPERVISORS.**

Regular meetings of the Board of Supervisors, first Monday of January; first Monday of February, March, April, May, June, third Monday of September; first Monday after first Tuesday of first Monday of December.

T. H. Scandrett, Merced, Chairman.

D. K. Thornton, Planada.

H. G. Peck, Arden.

G. H. Whitworth, Newman.

C. S. Cothran, Merced.

**MODOC COUNTY.**

Forty-ninth class.

County seat, Alturas. Area, 4,097 square miles.

**Office.**

County Clerk.....  
Sheriff.....  
Tax Collector.....  
Treasurer.....  
Recorder and Auditor.....

**SUPERVISORS.**

Meetings, first Monday in each month, except September, which is the third Monday.

W. A. Ellis, O'Neals, Chairman.

F. D. Brown, Minturn.

J. P. Galeener, Madera.

C. A. Clark, Madera.

R. L. Wood, Raymond.

**MARIN COUNTY.**

Twenty-second class.

County seat, San Rafael. Area, 516 square miles.

Office.	Name of Officer.
County Clerk .....	Robert E. Graham
Sheriff .....	J. J. Keating
Recorder .....	F. S. Holland
Auditor .....	E. J. Connell
Treasurer .....	T. J. Fallon
Tax Collector .....	J. A. Saunders
Assessor .....	P. H. Cochrane
District Attorney .....	Thomas P. Boyd
Superintendent of Schools .....	J. B. Davidson
Coroner and Public Administrator .....	F. E. Sawyer
Surveyor .....	George L. Richardson
Superior Judge .....	Edgar T. Zook

**SUPERVISORS.**

Board meets the first Monday of each month.

G. Pacheco, Chairman, Fifth District, Ignacio P. O.

M. J. Pedrotti, First District, San Rafael. C. J. Gardner, Third District, Mill Valley.

M. Burke, Second District, San Rafael. Henry Goudy, Fourth District, Tomales.

**MARIPOSA COUNTY.**

Fifty-fourth class.

County seat, Mariposa. Area, 1,580 square miles.

Office.	Name of Officer.
County Clerk .....	W. E. Gallison
Sheriff .....	Robert A. Prouty
Tax Collector .....	D. E. Bertken
Treasurer .....	S. P. O. Counts
Recorder and Auditor .....	J. W. Pratt
District Attorney .....	R. B. Stolder
Assessor .....	F. A. Bondshu
Superintendent of Schools .....	John L. Dexter
Coroner and Public Administrator .....	D. E. Johnson
Surveyor .....	S. J. Harris
Superior Judge .....	J. J. Trabucco

**SUPERVISORS.**

Regular meetings of board, first Monday in January, February, March, April, May, June, July, October; second Monday of November and December; third Monday of September.

C. I. Mentzer, Coulterville, Chairman.

T. M. Farnsworth, Mariposa.

H. W. Cornett, Cathay.

J. W. Collins, Hornitos.

C. L. Bothe, Mariposa.

**MENDOCINO COUNTY.**

Twenty-fourth class.

County seat Ukiah. Area 3,400 square miles.

Office.	Name of Officer.
County Clerk.....	Hale McCowen
Sheriff.....	R. B. Byrnes
Tax Collector.....	W. S. Van Dyke
Treasurer.....	G. A. Johnson
Recorder.....	E. E. Holbrook
Auditor.....	Jennie J. Mathews
District Attorney.....	R. Duncan
Assessor.....	W. H. Gibson
Superintendent of Schools.....	L. W. Babcock
Coroner and Public Administrator.....	John Taylor
Surveyor.....	D. G. Redwine
Superior Judge.....	J. Q. White
Court Commissioner.....	J. C. Ruddock

**SUPERVISORS.**

A. J. Fairbanks, Willits, Chairman.

W. H. Ross, Fort Bragg.

J. W. Harris, Hopland.

F. W. Reynolds, Point Arena.

E. M. Ford, Ukiah.

**MERCED COUNTY.**

Thirty-third class.

County seat, Merced. Area, 1,750 square miles.

Office.	Name of Officer.
County Clerk.....	P. J. Thornton
Sheriff.....	S. C. Cornell
Tax Collector.....	W. H. Wegner
Treasurer.....	G. W. Kibby
Recorder.....	C. B. Harrell
Auditor.....	L. R. Johnson
District Attorney.....	H. S. Shaffer
Assessor.....	A. G. Clough
Superintendent of Schools.....	Margaret Sheehy
Coroner and Public Administrator.....	G. E. Nordgren
Surveyor.....	A. E. Cowell
Superior Judge.....	E. N. Rector

**SUPERVISORS.**

Regular meetings of the Board of Supervisors, first Monday after the first day of January; first Monday of February, March, April, May, June, July, August; third Monday of September; first Monday after first Tuesday of November, and first Monday of December.

T. H. Scandrett, Merced, Chairman.

D. K. Thornton, Planada.

H. G. Peck, Atwater.

G. H. Whitworth, Newman.

C. S. Cothran, Los Banos.

**MODOC COUNTY.**

Forty-ninth class.

County seat, Alturas. Area, 4,097 square miles.

Office.	Name of Officer.
County Clerk.....	L. S. Smith
Sheriff.....	A. E. Smith
Tax Collector.....	R. L. Sloss
Treasurer.....	S. W. Pepperdine
Recorder and Auditor.....	T. H. Ballard

District Attorney.....	C. S. Baldwin
Assessor.....	D. E. Mulkey
Superintendent of Schools.....	Nettie B. Harris
Coroner and Public Administrator.....	Thomas Frawley
Surveyor.....	Henry S. Hawkins
Superior Judge.....	Clarence A. Raker

**SUPERVISORS.**

Meetings of the Board, first Monday in January, third Monday in February, first Monday in April, third Monday in May, first Monday in July, third Monday in August, first Monday in October, third Monday in November.

J. B. Estes, Fourth District, Alturas, Chairman.

Ira S. Cannon, Fifth District, Alin.	Jesse Parman, Second District, Eagleville.
John Wall, First District, Fort Bidwell.	S. W. Miller, Third District, Willow Ranch.

**MONO COUNTY.**

Fifty-seventh class.

County seat, Bridgeport. Area, 2,796 square miles.

Office.	Name of Officer.
County Clerk, Auditor and Recorder.....	Geo. Delury
Sheriff.....	J. P. Dolan
Tax Collector.....	James Glenn
Treasurer.....	J. W. Towle
District Attorney.....	P. R. Parker
Assessor.....	James Borland
Superintendent of Schools.....	Cordelia E. Hays
Coroner and Public Administrator.....	John J. Welch
Surveyor.....	Joseph Markert
Superior Judge.....	J. D. Murphey

**SUPERVISORS.**

Meetings held first Monday of January, April, July, and third Monday in September of each year.

J. M. Donohue, Bodie, Chairman.

M. P. Hayes, Bridgeport.	Frank Pellissier, Benton.
J. P. Hammond, Mono Lake.	C. W. Rickey, Topaz.

**MONTEREY COUNTY.**

Twenty-third class.

County seat, Salinas. Area, 3,450 square miles.

Office.	Name of Officer.
County Clerk.....	T. P. Joy
Sheriff.....	W. J. Nesbitt
Tax Collector.....	J. E. Hunter
Treasurer.....	James Taylor
Recorder.....	P. W. Soto
Auditor.....	Allen McLean
District Attorney.....	F. W. Sargent
Assessor.....	W. J. Smith
Superintendent of Schools.....	A. J. Hennessy
Coroner and Public Administrator.....	J. A. Hall
Surveyor.....	Lou G. Hare
Superior Judge.....	B. V. Sargent



**SUPERVISORS.**

Regular meetings, first Monday in every month.

Wm. Casey, Fourth District, San Lucas, Chairman.

J. L. Mann, First District, Watsonville. D. P. Talbott, Third District, King City.

H. E. Abbott, Second District, Salinas. J. L. D. Roberts, Fifth District, Seaside.

**POLICE JUDGE.**

David Wallace, of Salinas City.

**NAPA COUNTY.**

Twenty-sixth class.

County seat, Napa. Area, 800 square miles.

Office.	Name of Officer.
County Clerk.....	N. W. Collins
Sheriff.....	E. A. Kelton
Tax Collector.....	F. G. Easterby
Treasurer.....	W. A. Trubody
Recorder and Auditor.....	H. L. Gunn
District Attorney.....	Nathan F. Coombs
Assessor.....	Robert Corlett
Superintendent of Schools.....	Margaret M. Melvin
Coroner and Public Administrator.....	Walter S. Brownlee
Surveyor.....	O. H. Buckman
Superior Judge.....	Henry C. Gesford
Court Commissioner.....	Charles E. Trower
Official Court Reporter.....	H. B. Whitton

**SUPERVISORS.**

Regular meeting of Board second Monday in each month.

B. Bruck, St. Helena, Chairman.

C. H. Wassum, Monticello.

S. J. Webber, Yountville.

W. F. Alexander, Napa.

Jasper Partrick, Napa.

**NEVADA COUNTY.**

Thirty-fourth class.

County seat, Nevada City. Area, 982 square miles.

Office.	Name of Officer.
County Clerk and Auditor.....	George Cougelan
Sheriff.....	H. B. Walker
Tax Collector and Treasurer.....	Thomas F. Hogan
Recorder.....	S. J. Clark
District Attorney.....	F. L. Abrogast
Assessor.....	H. C. Schroeder
Superintendent of Schools.....	E. J. Fitzgerald
Coroner.....	A. Gill
Public Administrator.....	Frank Kendrick
Surveyor.....	F. M. Miller
Superior Judge.....	George L. Jones

**SUPERVISORS.**

The Board of Supervisors meet on the first Monday of January, April, July and October.

C. J. Miller, Second District, Grass Valley, Chairman.

R. A. Eddy, First District, Nevada Township, Nevada City.

W. H. Davey, Fourth District, Rough and Ready and Bridgeport Townships, Smartsville.

P. H. Brophy, Third District, Washington, Eureka and Bloomfield Townships, North Columbia.

John Fay, Fifth District, Meadow Lake and Little York Townships, Truckee.

## ORANGE COUNTY.

Fourteenth class.

County seat, Santa Ana. Area, 780 square miles.

Office.	Name of Officer.
County Clerk	W. B. Williams
Sheriff	C. E. Ruddock
Tax Collector	J. C. Lamb
Treasurer	J. C. Joplin
Recorder	George E. Peters
Auditor	Cal D. Lester
District Attorney	L. A. West
Assessor	James Sleeper
Superintendent of Schools	R. P. Mitchell
Coroner and Public Administrator	T. A. Winbigler
Surveyor	J. L. McBride
Superior Judge	Z. B. West
Superior Judge	W. H. Thomas
Court Commissioner	C. A. Kingston

### SUPERVISORS.

Supervisors' meeting, first Tuesday in each month.

T. B. Talbert, Huntington Beach, Chairman.

William Schumacher, Buena Park.

H. E. Smith, Santa Ana.

Fred W. Struck, Orange.

Jasper Leck, Tustin.

## PLACER COUNTY.

Thirty-first class.

County seat, Auburn. Area, 1,484 square miles.

Office.	Name of Officer.
Assessor	Charles Keena
Auditor	O. F. Seavey
Coroner	J. B. Bisbee
County Clerk	Marshall Z. Lowell
District Attorney	Geo. W. Hamilton
Public Administrator	J. G. Bisbee
Recorder	Ivan H. Parker
Sheriff	George McAulay
Superintendent of Schools	P. W. Smith
Superior Judge	J. E. Prewett
Surveyor	L. R. Warner
Tax Collector	Chas. Keena
Treasurer	George C. West
Court Commissioner	B. F. Gwynn

### SUPERVISORS.

Board of Supervisors meets first Monday, and Tuesday following, each month.

Wm. Haman, First District, Roseville, Chairman.

James J. Brennan, Second District, Loomis.

C. A. Geisendorfer, Fourth District, Weimar.

George P. Collins, Third District, Auburn.

C. D. McKinley, Fifth District, Forest Hill.

**PLUMAS COUNTY.**

Fifty-first class.

County seat, Quincy. Area, 2,361 square miles.

Office.	Name of Officer.
County Clerk and Auditor.....	H. P. McBeth
Sheriff.....	D. J. Robertson
Tax Collector.....	L. P. Mori
Treasurer.....	J. F. Spooner
Recorder.....	Leon L. Clough
District Attorney.....	M. C. Kerr
Assessor.....	P. A. Young
Superintendent of Schools.....	Mrs. M. A. Hail
Coroner and Public Administrator.....	John Donnenwirth
Surveyor.....	B. F. Barbee
Superior Judge.....	J. O. Moncur

**SUPERVISORS.**

Regular meetings, first Monday, January, March, May, July, September, November.

H. G. Dorsch, Fourth District, Quincy, Chairman.

Charles W. Hendel, Fifth District, H. J. Treleaven, Second District, Greenville.  
 La Porte.  
 David Ramelli, First District, Portola. H. G. Porter, Third District, Twain.

**RIVERSIDE COUNTY.**

Thirteenth class.

County seat, Riverside. Area, 7,008 square miles.

Office.	Name of Officer.
County Clerk.....	Arthur B. Pilch
Sheriff.....	Frank P. Wilson
Tax Collector.....	C. R. Stibbens
Treasurer.....	D. G. Mitchell
Recorder.....	Isaac S. Logan
Auditor.....	George H. Brown
District Attorney.....	Lyman Evans
Assessor.....	W. F. Montague
Superintendent of Schools.....	Raymond Cree
Coroner.....	C. S. Dickson
Public Administrator.....	William Polkinghorn
Surveyor.....	George M. Pearson
Superior Judge.....	Frank E. Densmore

**SUPERVISORS.**

Regular meetings held first Wednesday after first Monday of each month.

Karl S. Carlton, Riverside, Chairman.

John Shaver, San Jacinto. J. T. Hammer, Corona.  
 Thomas S. Flaherty, Riverside. J. A. Crane, Elsinore.

**POLICE JUDGES.**

George A. French, Riverside. Frank A. Beatty, City Recorder, Perris.  
 O. P. Hull, Corona. C. P. Carter, City Recorder, Elsinore.  
 J. F. Jones, Hemet. Wm. H. Gray, City Recorder, San Jacinto.  
 W. A. Sewell, Beaumont.

**SACRAMENTO COUNTY.**

Sixth class.

County seat, Sacramento. Area, 988 square miles.

Office.	Name of Officer.
County Clerk.....	E. F. Pfund
Sheriff.....	Dave Ahern
License and Tax Collector.....	Chas. E. Trainor
Treasurer.....	W. R. Beard
Recorder.....	C. A. Root
Auditor.....	L. P. Williams
District Attorney.....	Eugene S. Wachhorst
Assessor.....	Ed J. Kay
Superintendent of Schools.....	Minnie B. O'Neil
Coroner.....	William F. Gormley
Public Administrator.....	H. W. Leonard
Surveyor.....	Frank C. Miller
Superior Judge.....	J. W. Hughes
Superior Judge.....	Peter J. Shields
Superior Judge.....	C. N. Post
Court Commissioner.....	Jos. E. Pipher

**SUPERVISORS.**

Board meets on the first Monday of each month, remains in session at least three days, and meets thereafter during the month as often as business requires.

J. P. Kelley, 1106 E street, Sacramento.	J. A. Russi, Folsom.
R. E. Callahan, 1914 Eighth street, Sacramento.	Thos. Jenkins, Florin.
	C. E. Mahoney, 1613 Twenty-sixth street, Sacramento.

**POLICE JUDGE.**

Thomas H. Christiansen, Police Court, Sacramento, California.

**SAN BENITO COUNTY.**

Forty-third class.

County seat, Hollister. Area, 1,476 square miles.

Office.	Name of Officer.
County Clerk, Auditor, and Recorder.....	Elmer Dowdy
Sheriff and Tax Collector.....	J. J. Croxon
Treasurer.....	John Welch
District Attorney.....	Geo. W. Jean
Assessor.....	Geo. W. McConnell
Superintendent of Schools.....	W. J. Cagney
Coroner and Public Administrator.....	W. W. Black
Surveyor.....	A. M. McCray
Superior Judge.....	M. T. Dooling

**SUPERVISORS.**

Meetings held first Monday of each month.

J. F. Etcheverry, Fourth District, Tres Pinos, Chairman.

T. H. French, First District, Hollister.	G. A. Renz, Third District, Hollister.
W. S. Prescott, Second District, San Juan Bautista.	A. T. Hain, Fifth District, Cook P. O.

**SAN BERNARDINO COUNTY.**

Eighth class.

County seat, San Bernardino. Area, 20,055 square miles.

Office.	Name of Officer.
County Clerk.....	Charles Post
Auditor.....	C. D. Van Wie
Recorder.....	H. L. Allison
Sheriff.....	J. C. Ralphs
Tax Collector.....	L. A. Desmond
Treasurer.....	H. D. Sibley
District Attorney.....	R. B. Goodecell
Assessor.....	Frank P. Meserve
Superintendent of Schools.....	A. S. McPherron
Coroner.....	E. P. Fuller
Public Administrator .....	H. D. Blakeslee
Surveyor.....	J. S. Bright, Jr.
Superior Judge.....	Frank F. Oster
Superior Judge.....	Benjamin F. Bledsoe

**SUPERVISORS.**

Board meets in regular session each Monday in the month.

Samuel Pine, Fourth District, Chino, Chairman.

George E. Butler, First District,	J. B. Glover, Third District, Redlands.
Needles.	S. V. Horton, Fifth District, Redlands,
J. S. Jones, Second District, Etiwanda.	B. F. D. No. 1.

**SAN DIEGO COUNTY.**

Seventh class.

County seat, San Diego. Area, 4,207 square miles.

Office.	Name of Officer.
County Clerk.....	J. T. Butler
Sheriff.....	Fred M. Jennings
Tax Collector.....	A. F. Cornell
Treasurer.....	John F. Schwartz
Recorder.....	John H. Ferry
Auditor.....	C. B. Hammond
District Attorney.....	H. S. Utley
Assessor.....	M. M. Moulton
Superintendent of Schools.....	Hugh J. Baldwin
Coroner.....	S. W. Bell
Public Administrator.....	P. J. Layne
Surveyor.....	George Butler
Superior Judge.....	W. B. Guy
Superior Judge.....	T. L. Lewis
Superior Judge.....	W. A. Sloane
Superior Judge.....	C. N. Andrews

**SUPERVISORS.**

Meetings held first Monday in each month. Law and motion day, every Friday.

G. F. Westfall, Fifth District, Fallbrook, Chairman.

J. P. Smith, First District, 3356 A	Joseph Foster, Third District, Foster.
street San Diego.	T. J. Fisher, Fourth District, 840
Chas. H. Swallow, Second District, 795	Twelfth street, San Diego.
Logan avenue, San Diego.	

**SAN FRANCISCO (CITY AND COUNTY).**

First class.

Area, 43 square miles.

**Executive Department.****MAYOR.**

(Elected for term of four years.)

Office in Temporary City Hall, Market street, above Eighth. Term of incumbent ends January, 1916.

James Rolph, Jr., Mayor.....\$6,000  
Edward Rainey, Secretary.....2,000**AUDITOR.**

Office in City Hall, McAllister street, opposite Hyde. (Elected for term of 4 years.) Term of incumbent ends January, 1916.

Thomas F. Boyle.....\$4,000  
Deputy Auditor, John J. Boyle.....2,400**TREASURER.**

Office, City Hall. Term ends January, 1914.

John E. McDougald.....\$4,000

**ASSESSOR.**

Temporary City Hall, Market street, near Eighth. Term expires January, 1916.

John Ginty .....\$8,000

**TAX COLLECTOR.**

Office, Temporary City Hall, Market street, near Eighth.

Term expires January, 1916.

Edward F. Bryant .....\$4,000

**CORONER.**

Office, 363 Fell street. Term expires January, 1916.

T. B. W. Leland.....\$4,000

**RECORDER.**

Office, Hall of Records. Term expires January, 1914.

Edmond Godchaux .....\$4,000

**Legislative Department.****BOARD OF SUPERVISORS.**

Office, Temporary City Hall, Market street, near Eighth.

President of Board.....James Rolph, Jr., Mayor.

Regular Meeting Every Monday at 2 o'clock at City Hall, 1231 Market St.

John S. Dunnigan, Clerk, City Hall, John W. Rogers, Chief Assistant.  
1231 Market St.; Room 222.**MEMBERS.**Paul Bancroft, 731 Market St.  
Cornelius J. Deasy, 287 Fair Oaks St.  
Andrew J. Gallagher, 1379 Masonic Ave.  
J. Emmet Hayden, 34 Market St.  
Fred L. Hilmer, 129 Davis St.  
Oscar Hocks, 558 Guerrero St.  
Thomas Jennings, 440 Bryant St.  
William H. McCarthy, 156 Second St.  
Ralph McLeran, 113 Clayton St.  
Charles A. Murdock, 68 Fremont St.Charles A. Nelson, 1590 Underwood Ave.  
Edward L. Nolan, City Hall, 1231 Market St.  
Henry Payot, 968 Ellis St.  
James E. Power, 2361 Bryant St.  
Fred Suhr, Jr., 2919 Mission St.  
Alexander T. Vogelsang, 14 Montgomery St.  
John O. Walsh, 117 Fair Oaks St.  
Successor to Geo. E. Gallagher, not appointed.

## STANDING COMMITTEES.

- Electricity — Suhr, McCarthy, —. Meets at call of chairman.
- Expositions— —, McCarthy, Jennings, Vogelsang, Power.
- Finance—Jennings, McCarthy, Payot. Meets Friday at 2:30 P. M.
- Fire—McLeran, Nelson, Deasy. Meets Thursday at 2 P. M.
- Judiciary — Nelson, McLeran, Vogelsang. Meets at call of chairman.
- Lands and Tunnels—Deasy, —, Gallagher. Meets Friday at 2 P. M.
- Lighting and Rates—Nolan, Nelson, Payot. Meets 2d and 4th Tuesday at 10 A. M.
- Police—Hocks, Hilmer, Nolan. Meets Friday at 3:30 P. M.
- Public Buildings—Bancroft, Payot, McLeran. Meets Tuesday at 2 P. M.
- Public Efficiency and Civil Service—Murdock, Suhr, Walsh. Meets 1st and 3d Tuesday at 3 P. M.
- Public Health—Walsh, —, Murdock. Meets Wednesday at 10:30 A. M.
- Public Utilities—Vogelsang, Hilmer, Bancroft, Hayden, Gallagher. Meets Wednesday, 2 P. M.
- Public Welfare—Payot, Hayden, Nolan, Murdock, Gallagher. Meets 2d and 4th Tuesday at 3 P. M.
- Publicity and Interurban Relations—Hayden, Hocks, Walsh. Meets at call of chairman.
- Streets and Sewers—McCarthy, Bancroft, Suhr. Meets Thursday at 2 P. M.
- Supplies—Hilmer, Murdock, Hayden. Meets Thursday at 3 P. M.
- Telephones and Rates—Power, Hilmer, Hocks. Meets at call of chairman.
- Water Service and Rates—Gallagher, Power, Deasy. Meets at call of chairman.

## Judicial Department.

## SUPERIOR COURT.

Each Department has a Bailiff.

## DEPARTMENT NUMBER ONE.

## Temporary City Hall.

Judge ..... J. M. Seawell. (Term expires January, 1917.)  
 Clerk ..... Milton Hayes.  
 Reporter ..... A. L. Coombs.

## DEPARTMENT NUMBER TWO.

## Temporary City Hall.

Judge ..... F. J. Murasky. (Term expires January, 1917.)  
 Clerk ..... H. J. Jackson.  
 Reporter ..... J. L. Holland.

## DEPARTMENT NUMBER THREE.

## Temporary City Hall.

Judge ..... James M. Troutt. (Term expires January, 1917.)  
 Clerk ..... P. W. Lannon.  
 Reporter ..... G. W. Smith.

## DEPARTMENT NUMBER FOUR.

## Temporary City Hall.

Judge ..... John J. Van Nostrand. (Term expires January, 1915.)  
 Clerk ..... Eugene Levy.  
 Reporter ..... Frank L. Hart.

## DEPARTMENT NUMBER FIVE.

## Temporary City Hall.

Judge ..... John Hunt. (Term expires January, 1915.)  
 Clerk ..... David Creamer.  
 Reporter ..... W. H. Girvin.

Hall of Justice.

Judge ..... Frank H. Dunne. (Term expires January, 1915.)  
Clerk ..... Frank Butler.  
Reporter ..... Luke Kavanaugh.

DEPARTMENT NUMBER SEVEN.

Temporary City Hall.

Judge ..... E. P. Mogan. (Term expires January, 1913.)  
Clerk ..... Joseph Goddard.  
Reporter ..... J. B. Olsen.

DEPARTMENT NUMBER EIGHT.

Temporary City Hall.

Judge ..... George A. Sturtevant. (Term expires January, 1915.)  
Clerk ..... J. F. Mooney.  
Reporter ..... Ernest J. Mott.

DEPARTMENT NUMBER NINE.

Temporary City Hall.

Judge ..... J. V. Coffey. (Term expires January, 1913.)  
Clerk ..... Eugene F. Lacy.  
Reporter .....

DEPARTMENT NUMBER TEN.

Temporary City Hall.

Judge ..... Thomas F. Graham. (Term expires January, 1913.)  
Clerk ..... Wm. H. McNulty.  
Reporter ..... Roy Gallagher.

DEPARTMENT NUMBER ELEVEN.

Hall of Justice.

Judge ..... William P. Lawlor. (Term expires January, 1913.)  
Clerk ..... J. J. Groom.  
Reporter.....Platt B. Elderkin.

DEPARTMENT NUMBER TWELVE.

Hall of Justice.

Judge ..... George H. Cabaniss. (Term expires January, 1917.)  
Clerk ..... J. H. Stevens.  
Reporter ..... Angelo Byrne.

DEPARTMENT NUMBER THIRTEEN.

Temporary City Hall.

Judge.....Franklin A. Griffin.  
Clerk.....Thos. R. Manning.  
Reporter.....Wm. H. Mead.

DEPARTMENT NUMBER FOURTEEN.

Temporary City Hall.

Judge.....George E. Crothers.  
Clerk.....F. B. Lorigan.  
Reporter.....W. G. Smith.

DEPARTMENT NUMBER FIFTEEN.

Temporary City Hall.

Judge.....Marcel E. Cerf.  
Clerk.....M. P. Burton.  
Reporter.....John F. Gallagher.



COUNTY OFFICIALS.

1249

DEPARTMENT NUMBER SIXTEEN.

Temporary City Hall.

Judge..... Adolphus E. Graupmer.

Clerk..... M. Kragen.

Reporter..... Stephen Potter.

Secretary of Superior Courts, Thomas S. Mulvey.

Clerks are appointed by the County Clerk, Bailiffs by the Sheriff, and Reporter by the Judge.

COURT COMMISSIONERS.

Appointed by Judges of the Superior Court.

Murray F. Vandall, J. H. Joachimsen, Frank W. Lawler, J. F. Tyler, Geo. D. Perry and Charles Samuels.

LUNACY COMMISSION.

Approved by Judges of Superior Court.

Doctors D. D. Lustig, Chas. C. Wadsworth, C. D. McGettigan, Theo. Rethers. Telephone Operator, Sara McKenna.

INTERPRETERS.

Approved by Judges of Superior Court.

R. M. Aguirre, A. Glover, J. A. Becsey, C. H. Gaffney, F. Demartini, L. Locke, V. Demartini, Robert Park.

JUSTICES' COURTS.

Temporary City Hall, 1231 Market street. Terms of incumbents end January, 1915.

James G. Conlon, Room 431; Bernard J. Flood, Room 421; A. B. Treadwell, Presiding Judge, Room 417; A. T. Barnett, Room 418; and Charles E. A. Creighton, Room 423. Robert W. Dennis, Room 423, Clerk.

POLICE COURTS.

Hall of Justice. Kearny and Washington streets.

DEPARTMENT NUMBER ONE.

Dept. 1—Judge..... Wiley F. Crist. (Term expires January, 1916.)

DEPARTMENT NUMBER TWO.

Dept. 2—Judge..... John J. Sullivan. (Term expires January, 1914.)

DEPARTMENT NUMBER THREE.

Dept. 3—Judge..... Edward P. Shortall. (Term expires January, 1914.)

DEPARTMENT NUMBER FOUR.

Dept. 4—Judge..... Daniel C. Deasy. (Term expires January, 1916.)

Bailiffs are Police Officers.

Legal Department.

CITY ATTORNEY.

Percy V. Long..... Office, Temporary City Hall. (Term expires January, 1914.)

DISTRICT ATTORNEY.

Charles M. Fickert..... Office, Hall of Justice. (Term expires January, 1916.)

PUBLIC ADMINISTRATOR.

M. J. Hynes..... Office, 853 Phelan Building. (Term expires January, 1914.)

COUNTY CLERK.

H. I. Mulcrevy..... Office, Temporary City Hall. (Term expires January, 1916.)

SHERIFF.

Frederick Eggers, Office, McAllister street and City Hall avenue. (Term expires January, 1916.)

**Department of Public Works.**

Office, Temporary City Hall, Market street, near Eighth.

Appointed by the Mayor.

Timothy A. Beardon, President; Daniel G. Fraser, Adolf Judell. Frederick J. Churchill, Secretary.

**Public Library or Reading-room.**

Trustees of Library:

Eustace Cullinan, President.	Charles H. Bentley.
Washington Dodge.	R. B. Hale.
James D. Phelan.	R. C. Harrison.
John H. Wise.	Joseph O'Connor.
James Rolph, Jr., Mayor, ex officio.	Edward R. Taylor.
	Max C. Sloss.

William R. Watson, Librarian.

George A. Mullin, Secretary.

Main Library, Hayes and Franklin streets.

Branch Libraries: No. 1, 1207 Valencia street.....Miss N. A. Casey, Librarian  
 No. 2, Sixteenth, near Market.....Miss M. Carson, Librarian  
 No. 3, 1457 Powell street.....Miss M. Wordman, Librarian  
 No. 4, 254 Fourth avenue.....Miss S. D. Morgan, Librarian  
 No. 5, Page street, near Cole...Miss B. A. Goldman, Librarian  
 No. 6, 2435 Sacramento street..Miss M. L. Witcher, Librarian

**Parks and Commission.**

All Parks and Squares in the city and county.

William M. Metson, President of Com-	Sigmund Greenebaum, Commissioner.
mission.	A. B. Spreckels, Commissioner.
Curtis H. Lindley, Commissioner.	Superintendent of Parks, John Mc-
Earl M. Cummings, Commissioner.	Laren.

**Playground Commission.**

Southwest corner of Pine and Larkin streets.

Rev. D. O. Crowley, President; John McLaren, Marshal Hale, J. C. Kirtick, Geo. E. Gallagher, Mrs. M. S. Hayward, Miss Agnes G. Egan.

**Board of Censorship.**

Room 638, City Hall.

E. M. Hecht, President, Kohl Bldg.	Mary Ashe Miller, 1595 Clay St.
J. S. Webster, 125 Sutter St.	W. P. Wobber, 1325 Sixth Ave.
Peter Peshon, Police Department.	

**Department of Public Health.**

General Office, 1085 Mission street near Seventh.

*Board of Health.*—Arthur H. Barendt, President; Guy E. Manning, A. P. O'Brien, Lawrence Arnstein, Geo. B. Somers, Arthur M. Sharp, Frank J. Klimm.

R. G. Broderick, Health Officer; William C. Hassler, Chief Sanitary Inspector.

**Department of Elections.**

City Hall, McAllister street, opposite Hyde.

William McDevitt, President; Thomas V. Cator, J. K. Prior, Jr., John Hermann, C. J. Collins. J. H. Zemansky, Registrar of Voters and Secretary.

**Police Department.**

Hall of Justice, Kearny and Washington streets.

Max J. Kuhl, President; Theo J. Roche, Jesse B. Cook, Thomas E. Shumate. D. A. White, Chief of Police; Charles F. Skelly, Secretary.

**Fire Department.**

Temporary City Hall, Market street, near Eighth.

Commissioners: A. J. Martin, President; James E. Dillon, Wm. H. Hammer, Henry V. Brandenstein. Frank Kennedy, Secretary.

**Juvenile Court.**

Frank J. Murasky, Judge, 2344 Sutter street.

Probation Committee.—Mrs. Edward L. Baldwin, Rev. D. O. Crowley, Miss McKinstry, J. W. Lillienthal, James R. Pringle, R. E. Queen.

J. C. Astredo, Secretary and Chief Probation Officer.

**Board of Education.**

City Hall, 1231 Market St.

Regular meeting day, Tuesday 2 P. M.

Regular meetings as a High School Board held on last Wednesday of each month.

George E. Gallagher, President, 148 Kearny St. Alfred Roncovieri, Superintendent of Schools (ex officio, without right to vote), residence 2454 Vallejo St.

A. A. D'Ancona, 739 Shrader St. M. R. Norris, Acting Secretary, 1515 Lake St.

Miss Sallie J. Jones, Arthur Apartments, Post and Jones Sts.

Mrs. Mary W. Kincaid, 2901 Pacific Ave.

**Civil Service Commissioners.**

Meet Monday, at 7:30 P. M., City Hall, 1231 Market St., Room 340.

Matthew Brady, President, Mills Bldg. B. B. Rosenthal, 1522 Webster St.  
E. A. Walcott, Commonwealth Club, 153 Kearny St. James J. Maher, Chief Examiner and Secretary, 1007 Castro St.

**Sealer of Weights and Measures.**

Lawrence J. Dolan, Sealer.....Room 315, City Hall, 1231 Market St.

**San Francisco Municipal Band.**

John A. Keogh, Director.....Room 401, City Hall

**Public Pound.**

Office and Pound, Sixteenth and Alabama Sts.

Matthew McCurrie ..... Secretary

**SAN JOAQUIN COUNTY.**

Ninth class.

County seat, Stockton. Area, 1,370 square miles.

Office.	Name of Officer.
County Clerk .....	Eugene D. Graham
Sheriff .....	W. H. Reicks
Tax Collector and Treasurer .....	W. C. Neumiller
Recorder and Auditor .....	J. D. Maxey
District Attorney .....	E. P. Foltz
Assessor .....	John W. Moore
Superintendent of Schools .....	John A. Anderson
Coroner .....	B. C. Wallace
Public Administrator .....	N. T. McCown
Surveyor .....	F. E. Quail
Superior Judge .....	Frank H. Smith
Superior Judge .....	J. A. Plummer
Superior Judge .....	C. W. Norton

**SUPERVISORS.**

Meetings of Supervisors, first Monday and Tuesday of each month.

E. E. Tretheway, Stockton, Chairman.

A. H. Wright, Stockton.

C. L. Newton, Woodbridge.

Geo. M. French, Stockton.

Martin Ansbro, Banta.

**SAN LUIS OBISPO COUNTY.**

Twenty-seventh class.

County seat, San Luis Obispo. Area, 3,500 square miles.

Office.	Name of Officer.
County Clerk .....	F. J. Rodrigues
Sheriff .....	C. A. Younglove
Tax Collector .....	Richard Leland
Treasurer .....	John Kelshaw
Recorder .....	D. F. Mahoney
Auditor .....	P. H. Murphy
District Attorney .....	Charles A. Palmer
Assessor .....	J. H. Hollister
Superintendent of Schools .....	W. S. Wight
Coroner .....	C. W. Palmer
Public Administrator .....	Thomas Fogarty
Surveyor .....	A. F. Parsons
Superior Judge .....	E. P. Unangst

**SUPERVISORS.**

Regular meetings, first Monday of each month.

E. W. Black, Fifth District, Chairman, Santa Margarita.

J. E. Cliff, First District, Paso Robles. John Norton, Third District, San Luis

Peter Tognazzini, Second District, Obispo.

Cayucos.

John Donovan, Fourth District, Nipomo.

**SAN MATEO COUNTY.**

Twentieth class.

County seat, Redwood City. Area, 470 square miles.

Office.	Name of Officer.
County Clerk .....	Joseph H. Nash
Recorder .....	H. O. Heiner
Sheriff .....	J. H. Mansfield
Tax Collector .....	A. McSweeney
Treasurer .....	P. P. Chamberlain
Auditor .....	W. H. Underhill
District Attorney .....	Franklin Swart
Assessor .....	C. D. Hayward
Superintendent of Schools .....	Roy W. Cloud
Coroner and Public Administrator .....	H. G. Plymire
Surveyor .....	James V. Neuman
Superior Judge .....	George H. Buck

**SUPERVISORS.**

Regular meetings, first and third Mondays of each month.

Wm. H. Brown, Second District, Chairman, San Mateo.

John MacBain, Third District, Menlo Park. D. E. Blackburn, Fifth District, Pescadero.

Jos. M. Francis, Fourth District, Half-moon Bay. Jas. T. Casey, First District, Colma.

**SANTA BARBARA COUNTY.**

Seventeenth class.

County seat, Santa Barbara. Area, 2,450 square miles.

Office.	Name of Officer.
County Clerk .....	C. A. Hunt
Sheriff .....	Nat Stewart
Tax Collector .....	Harry C. Sweetser
Treasurer .....	W. B. Metcalf
Recorder .....	Mark Bradley
Auditor .....	S. B. Schauer
Assessor .....	Clio L. Lloyd
District Attorney .....	E. W. Squier
Superintendent of Schools .....	Miss M. V. Lehner
Coroner and Public Administrator .....	A. M. Buiz
Surveyor .....	F. F. Flournoy
Superior Judge .....	S. E. Crow
Court Commissioner .....	Wm. G. Griffith

**SUPERVISORS.**

Regular meeting of Board of Supervisors, first Monday in each month.

H. J. Doulton, Chairman, Second District, Santa Barbara.

H. S. Deaderick, First District, Carpinteria. C. K. Hardenbrook, Fourth District, Lompoc.

A. W. Conover, Third District, Goleta. F. C. Twitchell, Fifth District, Orcutt.

**SANTA CLARA COUNTY.**

Fourth class.

County seat, San Jose. Area, 1,355 square miles.

Office.	Name of Officer.
County Clerk .....	H. A. Pfister
Sheriff .....	A. B. Langford
Tax Collector .....	W. A. January
Treasurer .....	E. W. Conant
Recorder .....	Dan J. Flannery
Auditor .....	W. F. Parker
District Attorney .....	A. M. Free
Assessor .....	Elizabeth H. Spitzer
Superintendent of Schools .....	D. T. Bateman
Coroner and Public Administrator .....	B. E. Kell
License Collector .....	J. D. Canelo
Surveyor .....	J. G. McMillan
Superior Judge .....	John E. Richards
Superior Judge .....	P. F. Gosbey
Superior Judge .....	J. R. Welch

**SUPERVISORS.**

Regular meetings first Monday of each month.

H. M. Ayer, Chairman, Third District, San Jose.

John Roll, Fourth District, Santa Clara. A. L. Hubbard, Second District, San Jose.

F. E. Mitchell, Fifth District, Campbell.

H. S. Hersman, First District, Gilroy.

**SANTA CRUZ COUNTY.**

Twenty-first class.

County seat, Santa Cruz. Area, 425 square miles.

Office.	Name of Officer.
County Clerk .....	Harvey H. Miller
Sheriff .....	Howard V. Trafton
Tax Collector .....	J. F. Helms
Treasurer .....	W. H. Bias
Recorder .....	Harry C. Cooper
Auditor .....	Willet Ware
District Attorney .....	Benj. K. Knight
Assessor .....	W. A. Horton
Superintendent of Schools .....	C. S. Price
Coroner and Public Administrator .....	Louis H. Wessendorf
Surveyor .....	Arnold M. Baldwin
Superior Judge .....	Lucas F. Smith

**SUPERVISORS.**

Board meets on first Monday in each month.

B. J. Mattison, Chairman, Santa Cruz.

J. A. Harvey, Santa Cruz.

Joseph Ball, Felton.

J. D. Esty, Soquel.

S. C. Marcus, Watsonville.

**POLICE JUDGES AND RECORDER.**

George F. Stanley, Police Judge of the

City of Watsonville, Watsonville.

City of Santa Cruz, Santa Cruz.

W. S. Rogers, Town Recorder of the

C. W. Bridgewater, Police Judge of the

Town of Boulder Creek.

**SHASTA COUNTY.**

Twenty-eighth class.

County seat, Redding. Area, 4,050 square miles.

Office.	Name of Officer.
County Clerk .....	S. N. Witherow
Sheriff .....	Jas. L. Montgomery
Tax and License Collector .....	S. C. Baker
Treasurer .....	L. M. Dennis
Recorder .....	A. L. Webb
Auditor .....	H. H. Shuffleton
District Attorney .....	O. M. Chenoweth
Assessor .....	M. D. Lack
Superintendent of Schools .....	Lulu E. White
Coroner and Public Administrator .....	John Larkin
Surveyor .....	Robert L. Reading
Superior Judge .....	Chas. M. Head
Superior Judge .....	J. E. Barber

**SUPERVISORS.**

Board meets first Monday after first day of January, March, May, July, September and November.

W. W. Sublett, Chairman, Ono.

J. R. Hunt, Millville.

Geo. H. Nutting, Anderson.

W. M. Welsh, Kennett.

Ferd Hurst, Redding.

**SIERRA COUNTY.**

Fifty-third class.

County seat, Downieville. Area, 957 square miles.

Office.	Name of Officer.
County Clerk, Auditor and Recorder .....	Henry E. Quigley
Sheriff and Tax Collector .....	Julius Johnson
Treasurer .....	E. L. Case
District Attorney .....	W. I. Redding
Assessor .....	W. J. Copren
Superintendent of Schools .....	Belle Alexander
Coroner and Public Administrator .....	John Mayer
Surveyor .....	Mark N. Alling
Superior Judge .....	Stanley A. Smith

**SUPERVISORS.**

Regular meetings of board are held on the first Monday in January, April and July, and third Monday in September.

Wm. D. Shafer, Downieville, Chairman.

J. C. Brown, Table Rock.

Samuel Devine, Sierra City.

John F. Owens, Forest.

W. E. Miller, Sierraville.

**SISKIYOU COUNTY.**

Twenty-ninth class.

County seat, Yreka. Area, 6,078 square miles.

Office.	Name of Officer.
County Clerk .....	W. J. Neilon
Sheriff .....	Chas. B. Howard
Tax and License Collector, Treasurer .....	J. E. Pashburg
Recorder .....	Eugene Dowling
Auditor .....	Robert Rankin
District Attorney .....	Frank W. Hooper
Assessor .....	John F. Fairchild
Superintendent of Schools .....	W. H. Parker
Coroner and Public Administrator .....	T. B. Davidson
Surveyor .....	H. J. Sarter
Superior Judge .....	James F. Lodge
Court Commissioner .....	Charles E. Johnson

**SUPERVISORS.**

Regular meetings first Monday of each month.

E. H. Kaupp, Chairman, Second District, Sisson.

J. A. Glendenning, Fourth District, L. A. Lash, Third District, Yreka.  
Fort Jones.M. F. Barnum, Fifth District, Etna J. A. Ager, First District, Ager.  
Mills.**INCORPORATED TOWNS.**

Etna Mills—M. J. Bruncage, Town Recorder.	Montague—G. H. Chambers, Town Recorder.
Fort Jones—G. G. Rantz, Town Recorder.	Sisson—George H. Arens, Town Recorder.
Yreka—L. W. Fauquier, Town Recorder.	Dunsmuir—C. O. Clarke, Town Recorder.

**SONOMA COUNTY.**

Eighteenth class.

County seat, Fairfield. Area, 911 square miles.

Office.	Name of Officer.
County Clerk .....	G. G. Halliday
Sheriff .....	J. J. McDonald
Tax Collector and Treasurer .....	George Weniger
Recorder .....	T. V. Corcoran
Auditor .....	Bert Sheldon
District Attorney .....	Jos. M. Raines
Assessor .....	E. E. Long
Superintendent of Schools .....	D. H. White
Coroner and Public Administrator .....	B. J. Klotz
Surveyor .....	E. N. Eager
Superior Judge .....	A. J. Buckles

**SUPERVISORS.**

Board meets first Monday in each month.

D. M. Fleming, Vallejo, Chairman.

Julian B. Hoyt, Denverton.

J. E. Glendon, Benicia.

H. J. Widenmann, Vallejo.

W. S. Godfrey, Vacaville.

**SONOMA COUNTY.**

Tenth class.

County seat, Santa Rosa. Area, 1,540 square miles.

Office.	Name of Officer.
County Clerk .....	W. W. Felt, Jr.
Sheriff .....	J. K. Smith
Tax Collector .....	F. M. Collins
Treasurer .....	G. E. Murdock
Recorder .....	F. G. Nagle
Auditor .....	C. A. Pool
District Attorney .....	C. F. Lea
Assessor .....	F. E. Dowd
Superintendent of Schools .....	Florence M. Barnes
Coroner and Public Administrator .....	F. L. Blackburn
Surveyor .....	T. B. McNamara
Superior Judge .....	Ernest Seawell
Superior Judge .....	Thos. C. Denny
Court Commissioner .....	J. M. Thompson

**SUPERVISORS.**

Supervisors meet first Monday of each month.

C. L. Patteson, Fourth District, Geyserville, Chairman.

J. H. Weise, First District, Glen Ellen.

Thos. J. Hutchinson, Third District,  
Santa Rosa.

Lyman Green, Second District, Petaluma.

William King, Fifth District, Cazadero.

**RECORDERS AND CITY CLERKS.**

W. P. Bagley, Recorder, Santa Rosa.

H. B. Snyder, City Clerk, Santa Rosa.

I. S. Lewis, Recorder, Cloverdale.

C. B. Beaulieu, City Clerk, Cloverdale.

G. R. Harrison, Recorder, Sebastopol.

J. S. Saunders, City Clerk, Sebastopol.

C. H. Dillon, Police Judge, Petaluma.

F. B. Singley, City Clerk, Petaluma.

C. F. Raymond, Recorder, Healdsburg.

Ed D. Eby, City Clerk, Healdsburg.

James Campbell, Recorder, Sonoma.

H. W. Guttenberg, City Clerk, Sonoma.



**STANISLAUS COUNTY.**

Twenty-fifth class.

County seat, Modesto. Area, 1,486 square miles.

Office.	Name of Officer.
County Clerk .....	Hugh Benson
Sheriff .....	A. S. Dingley
Tax Collector and Treasurer .....	W. A. Downer
Recorder and Auditor .....	H. C. Keeley
District Attorney .....	L. J. Maddux
Assessor .....	Geo. A. Threlfall
Superintendent of Schools .....	Florence Boggs
Coroner and Public Administrator .....	W. S. Bowker
Surveyor .....	E. H. Annear
Superior Judge .....	L. W. Fulkerth

**SUPERVISORS.**

J. J. McMahon, Modesto, Chairman.

J. H. Clark, Oakdale.

James E. Dunn, Salida.

Vaughn D. Whitmor, Ceres.

A. E. Clary, Newman.

**SUTTER COUNTY.**

Forty-eighth class.

County seat, Yuba City. Area, 611 square miles.

Office.	Name of Officer.
County Clerk .....	D. D. Green
Sheriff .....	F. B. Noyes
Tax Collector and Treasurer .....	C. D. O'Banion
Recorder and Auditor .....	H. C. Flanery
District Attorney .....	Lawrence Schillig
Assessor .....	C. E. McQuaid
Superintendent of Schools .....	H. W. Heiken
Coroner and Public Administrator .....	P. W. Rowe
Surveyor .....	L. M. Bunce
Superior Judge .....	K. S. Mahon

**SUPERVISORS.**

Regular meetings first Monday of each month.

J. C. Albertson, Third District, Meridian, Chairman.

Samuel Gray, Fourth District, R. F. D. F. H. Graves, First District, Penning-

No. 1, Yuba City.

ton.

F. J. Michel, Fifth District, Nicolaus. E. J. White, Second District Yuba City.

**TEHAMA COUNTY.**

Thirty-seventh class.

County seat, Red Bluff. Area, 3,200 square miles.

Office.	Name of Officer.
County Clerk, Auditor and Recorder .....	H. G. Kuhn
Sheriff .....	J. W. Boyd
Tax Collector and Treasurer .....	E. L. Sisson
District Attorney .....	W. A. Fish
Assessor .....	Louis Winter
Superintendent of Schools .....	Delia D. Fish
Coroner and Public Administrator, P. O. Thomas, fills unexpired term of F. W. Decker, deceased.	
Surveyor .....	W. F. Luning
Superior Judge .....	John F. Ellison

#### **SUPERVISORS.**

Board meets on first Monday in each month.

G. W. Vestal, Second District, Red Bluff, Chairman.

H. C. Kauffman, Third District, Red Bluff.	W. H. Samson, Fifth District, Corning.
A. G. Peake, Fourth District, Henleyville.	Andrew Schafer, First District, Red Bluff.

#### **TRINITY COUNTY.**

Fifty-fifth class.

County seat, Weaverville. Area, 3,276 square miles.

Office.	Name of Officer.
County Clerk, Auditor and Recorder .....	B. L. Carter
Sheriff and Tax Collector .....	J. H. Boyce
Treasurer .....	J. W. Shuford
District Attorney .....	H. R. Given
Assessor .....	J. F. Tourtellotte
Superintendent of Schools .....	Minnie E. Aldrich
Coroner and Public Administrator .....	J. A. Wallace
Surveyor .....	T. J. Montgomery
Superior Judge .....	James W. Bartlett

#### **SUPERVISORS.**

The Board of Supervisors meet on the first Thursday after the first Monday in the months of January, March, May, July, September and November.

H. L. Lowden, Weaverville, Chairman.

J. B. Stoddard, Trinity Center.	F. C. Meckel, Junction City.
J. H. Kelley, Hayfork.	E. J. Linck, Ruth.

#### **TULARE COUNTY.**

Twelfth class.

County seat, Visalia. Area, 4,863 square miles.

Office.	Name of Officer.
County Clerk .....	Avon M. Coburn
Sheriff .....	W. W. Collins
Tax Collector .....	J. W. Fewell
Treasurer .....	Henry Newman
Recorder .....	Ira Chrisman
Auditor .....	W. A. Foucht
District Attorney .....	Frank Lamberson
Assessor .....	Thos. Blair
Superintendent of Schools .....	J. E. Buckman
Coroner and Public Administrator .....	L. C. Locey
Surveyor .....	Byron O. Lovelace
Superior Judge .....	W. B. Wallace
Superior Judge .....	J. A. Allen

#### **SUPERVISORS.**

Board of Supervisors meet on first Monday of each month. Law and motion day, every Monday.

T. B. Twaddle, Tulare, Chairman.

Robert Horbach, Porterville.	J. H. Newman, Dinuba.
A. C. Williams, Visalia.	F. M. Singleton, Ducor.

**TUOLUMNE COUNTY.**

Thirty-ninth class.

County seat, Sonora. Area, 2,282 square miles.

Office.	Name of Officer.
County Clerk and Auditor .....	J. B. Doyle
Sheriff .....	William Sweeney
Tax Collector .....	E. S. Abbott
Treasurer .....	W. J. Richards
Recorder .....	Richard Inch
District Attorney .....	Rowan Hardin
Assessor .....	J. B. Ryan
Superintendent of Schools .....	G. P. Morgan
Coroner and Public Administrator .....	C. H. Burden
Surveyor .....	Elbert E. Newell
Superior Judge .....	G. W. Nicol

**SUPERVISORS.**

Board meets first Monday in each month.

T. F. McGovern, Sonora, Chairman.

A. S. McKenzie, Columbia.

S. A. Ferreth, Groveland.

J. J. Gibbs, Tuolumne.

V. A. Aolari, Jamestown.

**VENTURA COUNTY.**

Thirtieth class.

County seat, San Buenaventura. Area, 1,850 square miles.

Office.	Name of Officer.
County Clerk .....	J. B. McCloskey
Sheriff .....	E. G. McMartin
Tax Collector .....	T. William McGlinchey
Treasurer .....	H. E. Peck
Recorder and Auditor .....	J. L. Argabrite
District Attorney .....	Don G. Bowker
Assessor .....	John A. Barry
Superintendent of Schools .....	James E. Reynolds
Coroner and Public Administrator .....	W. R. Gibson
Surveyor .....	E. E. Everett
Superior Judge .....	Robert M. Clarke

**SUPERVISORS.**

Regular meetings, first Tuesday in each month. Law and motion day, every Monday.

A. Camarillo, Camarillo, Chairman.

T. S. Clark, Nordhoff.

H. C. Henderson, Santa Paula.

Frank S. Cook, Ventura.

L. F. Roussey, Oxnard.

**YOLO COUNTY.**

Thirty-fifth class.

County seat, Woodland. Area, 1,017 square miles.

Office.	Name of Officer.
County Clerk .....	H. R. Saunders
Sheriff and Tax Collector .....	J. W. Monroe
Treasurer .....	Roy E. Cole
Recorder .....	H. Henigan
Auditor .....	R. P. Wallace
District Attorney .....	A. G. Bailey
Assessor .....	H. E. Harrison
Superintendent of Schools .....	May E. Dexter Henshall
Coroner .....	T. H. Kitto

Probation Officer.....D. E. Jacobs  
 Superior Judge.....N. A. Hawkins

#### SUPERVISORS.

Meetings first Monday in each month at 1:30 P. M.

M. H. Stitt, Guinda, Chairman.

Wm. J. Leinberger, Broderick. F. B. Edson, Grafton.  
 W. O. Russell, Davis. J. S. Scott, Woodland.

#### YUBA COUNTY.

Thirty-eighth class.

County seat, Marysville. Area, 625 square miles.

Office.	Name of Officer.
County Clerk.....	J. F. Eastman
Sheriff.....	George H. Voss
Assessor.....	Tom E. Bevan
Treasurer and Tax Collector.....	W. P. Rich
District Attorney.....	E. T. Manwell
Coroner.....	J. K. Kelly
Public Administrator.....	F. E. Smith
Superintendent of Schools.....	W. P. Cramsie
Auditor and Recorder.....	F. H. Greely
Surveyor.....	L. B. Crook
Superior Judge.....	Eugene P. McDaniel

#### SUPERVISORS.

The board meets in regular session on the first Monday of each month.

J. J. Casey, Fourth District, Brown's Valley, Chairman.

Wm. J. Mellon, Fifth District, Chal- lenge.	Phil J. Divver, Second District, Marys- ville.
Fred Roberts, First District, Marys- ville.	David Morrison, Third District, Wheat- land.

## JUSTICES OF THE PEACE AND CONSTABLES.

Town.	County.	Justice.	Township.	Constable.
Acampo.	San Joaquin.	D. M. Denehy.	Liberty.	J. O. Keeling.
Adin.	Modoc.	W. A. Wilson.	Adin.	{ Al Kihn.
Alameda.	Alameda.	Elmer E. Johnson.	Alameda.	{ William Higby.
Alhambra.	Los Angeles.	Wm. M. Northrup.	San Gabriel.	B. F. Parker.
Almaden.	Santa Clara.	R. Hughes.	Almaden.	J. Cannon.
Alpaugh.	Tulare.	R. Stansbury.	Alpaugh.	H. L. Wilson.
Alpine.	San Diego.		Alpine.	A. L. McNett.
Alturas.	Modoc.	W. E. Armstrong.	Alturas.	J. L. Mayne.
Alviso.	Santa Clara.	Miles Hollister.	Alviso.	D. M. McPherson.
Amboy.	San Bernardino.	T. N. Turner.	Bagdad.	John Kellenberger.
Anaheim.	Orange.	J. S. Howard.	Anaheim.	Jas. Kinyon.
Anderson.	Shasta.	D. N. Cunningham.	Anderson.	John Cosgrave.
Angela.	Calaveras.	G. H. McClary.	Angela.	Roy H. Fisher.
Angiola.	Tulare.	Julius C. Manock.	Angiola.	J. W. Brown.
Annette.	Kern.	James Miller.	No. 7.	W. O. Lewis.
Antelope.	Sacramento.	E. Lauppe.	Center.	E. B. Whelihan.
Antioch.	Contra Costa.	J. D. Wightman.	No. 8.	Ed. Sawyer.
Aptos.	Santa Cruz.	John E. Doyle.	Aptos.	John A. Mitchell.
Arcata.	Humboldt.	Isaac A. Beers.	Union.	Geo. W. Leverett.
Arbuckle.	Colusa.	Chas. K. Atran.	Arbuckle.	H. E. Haskins.
Arroyo Grande.	San Luis Obispo.	R. W. Nuttall.	Arroyo Grande.	F. H. Dependence.
Auburn.	Placer.	B. F. Gwynn.	No. 3.	W. I. Hamblin.
Azus.	Los Angeles.	Geo. E. Glover.	Azus.	Arthur Sutcomeier.
Avalon.	Los Angeles.	B. F. Latimer.	Catalina.	E. E. Fyle.
Bakersfield.	Kern.	{ F. F. Boettler.	No. 12.	D. B. Newell.
		{ Geo. Flournoy.	No. 6.	{ Frank E. Knight.
Ballard.	Santa Barbara.	Samuel Lyons.	No. 4.	{ (Santa Ynez.)
Bangor.	Butte.	L. E. Oole.	Wyandotte.	George Ross.
Banning.	Riverside.	George L. Wing.	San Geronimo.	Joe Tuntin.
Barnwell.	San Bernardino.	Luther C. Morse.	Vanderbilt.	J. D. Nicholson.
Barstow.	San Bernardino.	T. O. Carter.	Barstow.	J. E. Harris.
Beaumont.	Riverside.	W. A. Sewell.	Beaumont.	J. N. Lovren.
Belden.	Plumas.	C. M. McNallen.	Mineral.	
	Solano.	{ H. K. White.	Benicia.	W. D. Hyde.
		{ Chas. M. Prince.	Benicia.	

Town.	County.	Justice.	Township.	Constable.
Coram.	Shasta.	Geo. J. Hardey.	Kenwick.	M. E. Kenyon.
Corona.	Riverside.	W. S. Clayson.	Temescal.	Chas. Larrabee.
Coronado.	San Diego.	William H. Johns.	Coronado.	P. H. Vondenburg.
Corning.	Tehama.	W. J. Crooka.	Corning.	J. H. Gumbee.
Corumus.	Sacramento.	Ed. B. Heath.	Lee.	Wm. Fey.
Cottonwood.	Shasta.	A. McNamar.	Cottonwood.	G. B. Martin.
Coulterville.	Mariposa.	John Eudean.	No. 2.	
Courtland.	Sacramento.	Armtead Runyon.	Franklin.	J. A. Hulse.
Covelo.	Mendocino.	G. R. Redwine.	Round Valley.	Geo. Conrad.
Covina.	Los Angeles.	Hugh N. Wells.	Rowland.	Jas. S. Saunders.
Crescent City.	Del Norte.	James O'Conner.	Crescent.	Ed. Jones.
Crockett.	Contra Costa.	Geo. Prytz.	No. 12.	J. J. Fox.
Cucamonga.	San Bernardino.	W. C. Belden.	Cucamonga.	W. H. Rapp.
Cuttens.	Kern.	J. G. Lucas.	No. 18.	Henry Sauer.
Daggett.	San Bernardino.	T. S. Van Dyke.	Belleville.	Fred Johnson.
Dale.	San Bernardino.	I. B. Reed.	Dale.	D. B. Pardo.
Danville.	Contra Costa.	A. E. Clark.	No. 4.	C. B. Harris.
Davenport.	Santa Cruz.	Alexander Luttrell.	Davenport.	Pete Garavanta.
Davis.	Yolo.	W. H. Scott.	Putah.	W. S. Hainline.
Decoto.	Alameda.	T. S. Fereria.	Washington.	{ J. Rodericks.
				{ (Niles.)
Delano.	Kern.	W. B. Timmons.	No. 4.	D. D. Cornwell.
Del Mar.	San Diego.	William Niemann.	Del Mar.	Chas. L. Jackson.
Dinuba.	Tulare.	J. D. Pillsbury.	Kaweah.	J. H. Farrar.
Dixon.	Solano.	{ R. H. Brown.	Silverville.	Dan McKinnon.
Dobbins.	Yuba.	{ E. H. Foster.	Tremont.	Calvin Medear.
Dorris.	Siskiyou.	William Simmon.	Foster Bar.	D. B. Ruth.
Dos Palos.	Merced.	B. M. Richardson.	Lake.	R. L. Varnum.
Downey.	Los Angeles.	J. S. Sittou.	No. 7.	T. C. Painter.
Downieville.	Sierra.	L. P. Phillips.	Downey.	Frank Witherspoon.
		T. E. Winrod.	Downieville.	
Ducor.	Tulare.	Michael Mitchell.	Ducor.	{ Chas. L. Hockett.
				{ J. W. Hildreth.
Ducor.	Tulare.	James DuMant.		W. F. Stetson.
Dunagan.	Yolo.	A. H. Reager.	Dunnigan.	S. A. Gilson.
Dunsmuir.	Siskiyou.	E. E. Allen.	Mott.	J. A. Franklin.
Durham.	Butte.	Wm. McAnarlin.	Dayton.	J. L. Waggoner.
Dutch Flat	Placer.	A. E. Perry.	No. 4.	

Town.	County.	Justice.	Township.	Constable.
El Dorado.	El Dorado.	V. Arrasmith.	Mud Springs.	Ralph Sutton.
Eagleville.	Modoc.	W. H. McCormick.	Eagleville.	P. K. Heard.
Earlimart.	Tulare.	S. S. Hesse.	Alla.	{ D. O. Howard.
				{ (Alla.)
East Bakersfield.	Kern.	A. W. Marion.	No. 3.	G. F. Stroble.
East San Diego.	San Diego.	John T. Keith.	Mission.	Harold J. Blease.
El Cajon.	San Diego.	John H. Dodson.	El Cajon.	Jas. Talley.
El Centro.	Imperial.	I. Mayfield.	El Centro.	E. H. Sherman.
Elizabeth Lake.	Los Angeles.	Chas. M. Hahn.	Fairmont.	{ Fred Price.
				{ (Roosevelt.)
Elk.	Mendocino.	C. M. Walker.	Cuffeys Cove.	C. J. Buchanan, Jr.
Elk Creek.	Glenn.	P. M. Niesen.	No. 3.	J. P. Lucas.
Elk Grove.	Sacramento.	J. A. Polhemus.	San Joaquin.	R. T. Haukins.
Elmira.	Solano.	S. A. Cripps.	Elmira.	S. O. Rogers.
El Monte.	Los Angeles.	Chas. Soward.	Lexington.	L. C. Burdick.
Elsinore.	Riverside.	C. P. Carter.	Elsinore.	W. P. Haworth.
Encinitas.	San Diego.	Alexander Beller.	Encinitas.	W. Rathen.
Enterprise.	Butte.	J. G. Alm.	Mountain Spring.	{ T. O. Mullinga.
				{ (Moorestown.)
Escondido.	San Diego.	P. J. Wisdom.	Escondido.	Willis A. Best.
Etiwanda.	San Bernardino.	Thos. Donnelly.	Etiwanda.	Geo. E. Frost.
Etna Mills.	Siakiyou.	Martin Marx.	Etna.	L. A. Moxley.
Eureka.	Humboldt.	John W. Ryan.	Eureka.	J. A. Armstrong.
Eureka.	Humboldt.	John Gray.	Eureka.	A. J. Montgomery.
Exeter.	Tulare.	McDonald Twiehaus.	Exeter.	{ Wm. M. Lawhorn.
				{ Chas. E. Mackey.
Fairfield.	Solano.	W. K. Hoyt.	Suisun.	T. P. McElDowney.
Fair Oaks.	Sacramento.	Andrew T. Hodge.	Mississippi.	Jose C. Giac.
Fallbrook.	San Diego.	David Kindle.	Fallbrook.	N. Johnson.
Fall River Mills.	Shasta.	W. C. Selvester.	Fall River.	{ I. E. Litten.
Famosa.	Kern.	Chas. E. Kitchen.	No. 5.	{ (Wasco.)
Farmersville.	Tulare.	B. L. Trebilcock.	Farmersville.	F. E. Burke.
Fellows.	Kern.	W. J. Holland.	No. 17.	S. A. Irwin.
Felton.	Santa Cruz.	C. H. Winter.	Felton.	O. L. Ladd.
Ferndale.	Humboldt.	A. W. Blackburn.	Pacific.	C. F. Rockliff.
Fillmore.	Ventura.	Merton Barnes.	Fillmore.	J. E. Trotter.
Folsom.	Sacramento.	J. B. Leonard.	Granite.	P. Donnelly.

Town.	County.	Justice.	Township.	Constable.
Forbestown.	Butte.	C. C. Antram.	Oro.	John Payton, Sr.
Forest.	Sierra.	E. J. Wyllie.	Forest.	C. W. Honold.
Forest Hill.	Placer.	Elias Hadix.	No. 5.	H. Shuffleton.
Forest Ranch.	Butte.	Fred Dorrett.	Humboldt.	E. C. Foushee.
Fort Bidwell.	Modoc.	S. S. Garrett.	Bidwell.	Jno. Schary.
Fort Bragg.	Mendocino.	F. A. Whipple.	Ten Mile.	{ A. S. Barnes.
Fort Jones.	Siskiyou.	G. G. Rants.	Scott Valley.	{ (Rohnerville.)
Fortuna.	Humboldt.	John H. Gaerden.	Rohnerville.	{ A. B. Channessa.
Fowler.	Fresno.	J. W. Bradley.	No. 4.	{ None.
Fredericksburg.	Alpine.	John Helmsath.	5th District.	{ J. J. Moran.
French Gulch.	Shasta.	G. W. Garwood.	French Gulch.	{ Ben Drenth.
Fresno.	Fresno.	G. W. Smith.	No. 3.	{ Geo. W. Machen.
Fullerton.	Orange.	H. E. Inskeep.	Fullerton.	{ Chas. Young.
Galt.	Sacramento.	F. G. May.	Dry Creek.	J. F. Gann.
Garberville.	Humboldt.	Chas. J. Swithenbank.	South Fork.	Eben L. Parker.
Gardena.	Los Angeles.	Thomas B. Cannon.	Gardena.	{ W. J. Balmer.
Georgetown.	El Dorado.	E. W. Claress.	Georgetown.	{ (Monefa.)
Germantown.	Glenn.	A. F. Harder.	No. 7.	{ R. J. Murdock.
Geyersville.	Sonoma.	J. E. Metzger.	Washington.	{ Edward Rehas.
Gilroy.	Santa Clara.	H. Wiley.	Gilroy.	{ Harry Nutter.
Glen Ellen.	Sonoma.	Leopold Justi.	Glen Ellen.	{ John White.
Glenville.	Kern.	W. H. Morrison.	No. 8.	{ J. A. Allen.
Goleta.	Santa Barbara.	Joseph C. Chamberlain.	No. 9.	{ (None)
Gonzales.	Monterey.	Harry Brockmann.	Gonzales.	{ C. J. Frasier.
Grafton.	Sutter.	Fred Van Lew.	Vernon.	{ A. M. Hoel.
Grafton.	Yolo.	C. C. Cobb.	Grafton.	{ L. P. Smith.
Grand Island.	Colusa.	Edward Smith.	Grand Island.	{ R. H. Bailey.
Grass Valley.	Nevada.	{ John Mulroy.	Grass Valley.	{ Fred Green.
Greenview.	Siskiyou.	{ John T. Hennessy.	Grass Valley.	{ J. Phil Smart.
Greenville.	Plumas.	L. W. Baldwin.	Greenview.	{ Thos. R. Edwards.
Gridley.	Butte.	W. L. Hamblin.	Indian.	Van S. Mullin.
Groveland.	Tuolumne.	Geo. W. Blair.	Gridley.	E. F. Dwyer.
Guadalupe.	Santa Barbara.	J. C. DeFerrari.	No. 3.	C. H. Miller.
		W. C. Stokes.	No. 9.	J. B. De Martin.
				T. F. Fleck.



Town.	County.	Justice.	Township.	Constable.
Guerneville.	Sonoma.	H. C. Ayer.	Redwood.	C. F. Dorr.
Guinda.	Yolo.	J. H. Norton.	Guinda.	S. T. Clark.
Gustine.	Merced.	C. F. Bentler.	No. 6.	J. T. Hazelwood.
Halfmoon Bay.	San Mateo.	John Pitcher.	No. 4.	Fred Simmons.
Halleck.	San Bernardino.	J. D. Huey.	Oro Grande.	R. B. Fliniken.
Hamilton City.	Glenn.	P. S. Quigley.	No. 1.	J. T. Blunkall.
Hammondon.	Yuba.	James McGill.	Linda.	S. M. Norton.
Hanford.	Kings.	{ G. L. Meadows.	Lucerne.	H. M. Bernstein.
		{ J. W. Meadows.	Lucerne.	P. E. Gard.
Hanlon.	Imperial.	A. G. Gordon.	Hanlon.	Wm. Black.
Happy Camp.	Siskiyou.	R. L. Southard.	Happy Camp.	W. J. Brown.
Hart.	San Bernardino.	Milton Mundy.	Hart.	Ben. O. Hardin.
Hayfork.	Trinity.	J. E. Dockery.	Hayfork.	Warren van Matre.
Hayward.	Alameda.	Chas. Prowse.	Eden.	W. J. Remage.
Healdsburg.	Sonoma.	Charles Raymond.	Mendocino.	{ Ben H. Barnes.
Hemet.	Riverside.	{ William Bradford.	Bergman.	{ T. J. Gibson.
		{ G. C. Nevins.	Hemet.	Lincoln Parks.
Heperia.	San Bernardino.	Geo. H. Finnegan.	Heperia.	E. C. Warner.
Hickman.	Stanislaus.	D. L. Browder.	Waterford.	Wm. E. Lang.
Highgrove.	Riverside.	John Haight.	Highgrove.	Fred Voight.
Highland.	San Bernardino.	J. Kunzman.	Highland.	J. O. Pingree.
Hollister.	San Benito.	Gilmore Agnew.	Hollister.	D. D. Yarnell.
Holtville.	Imperial.	G. W. Haviland.	Holtville.	J. M. Finley.
Honcut.	Butte.	E. T. Perry.	Honcut.	A. R. Underwood.
Hopland.	Mendocino.	Will Huntley.	Sanel.	C. W. Simpson.
Hornbrook.	Siskiyou.	R. J. Barry.	Mountain.	C. Beattie.
Hornitos.	Mariposa.	William Adams.	No. 1.	Jos. Clawson.
Hume.	Fresno.	J. E. Robinson.	No. 12.	
Hunter.	Tehama.	Ross Gossett.	Cottonwood.	{ J. W. Perry.
				{ J. T. McKerras, Jr.
				{ (Cottonwood.)
Huntington Beach.	Orange.	J. W. Shirley.	Huntington Beach.	C. F. Sorenson.
Imperial.	Imperial.	C. Huston Smith.	Imperial.	J. J. Robertson.
Indio.	Riverside.	Charles W. Burdick.	Indio.	Robt. A. Smith.
Ione.	Amador.	T. H. Gartlin.	No. 2.	John E. Kelley.
Iowa Hill.	Placer.	W. S. Macy.	No. 7.	
Isabella.	Kern.	C. M. Vrooman.	No. 1.	Hal. J. Walker.

Town.	County.	Justice.	Township.	Constable.
Jackson.	Amador.	James Meehan.	No. 1.	A. J. Leverone.
Jamestown.	Tuolumne.	L. E. Grant.	No. 4.	John Leland.
Jenny Lind.	Celaveras.	A. J. Stull.	Jenny Lind.	{ M. F. Cook.
				{ (Campo Seco.)
Johnsville.	Plumas.	G. A. Maxwell.	Quarts.	E. J. Dutton.
Jolon.	Monterey.	J. Alonso Forbes.	San Antonio.	F. O. Potter.
Julian.	San Diego.	L. L. Wilcox.	Julian.	
Kelseyville.	Lake.	J. A. Gunn.	No. 5.	None.
Kelso.	San Bernardino.	Thos. Ryan.	Kelso.	Wm. M. Horn.
Kennett.	Shasta.	H. Donnelly.	Delta.	N. G. Limbaugh.
Kerman.	Fresno.	F. H. Snyder.	No. 11.	L. W. Whitted.
King City.	Monterey.	E. C. Griswold.	King City.	J. E. Reinhart.
Kingsburg.	Fresno.	F. D. Rosendahl.	No. 9.	Geo. W. Boyle.
Klamath.	Del Norte.	John H. Leam.	Klamath.	Paul Smith.
Kneeland.	Humboldt.	E. L. Fitzgerald.	Bucksport.	{ N. C. Rhodes.
				{ (Field's Landing.)
Knob.	Shasta.	C. Nealy.	Harrison Gulch.	E. Landawick.
La Grange.	Stanislaus.	Frank Morton.	La Grange.	P. J. Reguet.
Laguna.	Imperial.	W. E. Henson.		
Legunitas.	Marin.	E. B. Gardner.	Nicasio.	None.
Lakeport.	Lake.	J. J. Bruton.	No. 4.	Nelson Irwin.
Lakeside.	San Diego.	J. H. Burtch.	Lakeside.	
La Mesa.	San Diego.	Fred O. Bloom.	Mission.	Garfield A. Carter.
Lancaster.	Los Angeles.	Olcott S. Bulkeley.	Antelope.	D. R. Fullerton.
Lankershim.	Los Angeles.	George M. Savage.	Lankershim.	J. W. Morgan.
Lathrop.	San Joaquin.	J. H. Southwell.	Castoria.	Boy Hedrick.
Laton.	Fresno.	A. G. Smith.	No. 13.	J. N. Dill.
Laytonville.	Mendocino.	G. E. Furniss.	Long Valley.	W. C. Wilson.
Le Grand.	Merced.	L. S. Cardwell.	No. 4.	W. K. Clarkson.
Lemon Cove.	Tulare.	Marshall Moffett.	Lemon Cove.	
Lemon Grove.	San Diego.	A. L. Denlinger.	Lemon Grove.	Arthur Blank.
Lemoore.	Kings.	{ H. J. Light.	Lemoore.	{ T. C. Maginnis.
		{ O. M. Smith.	Armona.	{ (Armona.)
Letcher.	Fresno.	C. C. Burnett.	No. 10.	Marvin Simpson.
Lincoln.	Placer.	W. M. Sparks, Jr.	No. 10.	S. C. Lasswell.
Linden.	San Joaquin.	O. N. Harrison.	Douglas.	G. A. Webb.

Town.	County.	Justice.	Township.
Lindsay.	Tulare.	Daniel M. Conner.	Lindsay.
Live Oak.	Sutter.	J. A. Wilkinson.	Butte.
Livermore.	Alameda.	G. S. Fitzgerald.	Murray.
Livingston.	Merced.	J. N. Hitchcock.	No. 5.
Llanada.	San Benito.	S. H. Langford.	Panocha.
Lockeford.	San Joaquin.	G. R. Garretson.	Elliott.
Loeb.	San Joaquin.	Frank A. Henning.	Elkhorn.
Loleta.	Humboldt.	D. H. Sowash.	Table Bluff.
Lompoc.	Santa Barbara.	F. A. Mann.	No. 5.
Long Beach.	Los Angeles.	William S. Brayton.	Long Beach.
Long Beach.	Los Angeles.	Stephen H. Underwood.	Long Beach.
Los Alamitos.	Orange.	W. R. McAllop.	Los Alamitos.
Los Alamos.	Santa Barbara.	H. N. Evans.	No. 6.
		{ Joseph F. Chambers.	Los Angeles City.
		Wm. Fredrickson.	Los Angeles City.
		H. H. Rose.	Los Angeles City.
		Warren L. Williams.	Los Angeles City.
		Frank S. Forbes.	Los Angeles City.
		Sidney N. Beeve.	Los Angeles City.
		J. W. Summerfeld.	Los Angeles City.
		Wm. Young.	Los Angeles City.
		D. W. Garwood.	Belvedere.
		W. E. Burch.	No. 8.
		B. W. Pearce.	Bedwood.
		E. A. McDaniel.	Los Molinos.
		W. C. Goldsmith.	No. 2.
		A. G. Sawin.	Loyalton.
		S. K. Adams.	Macdoel.
		J. H. Williams.	No. 5.
		J. N. Bicknell.	Cottonwood.
		A. J. Lutiges.	Maine Prairie.
		James Wells.	Sierra.
		T. W. Brown.	No. 15.
		W. A. Scott.	No. 4.
		C. H. Hayden.	No. 1.
		{ W. E. Langdon.	Marysville.
		J. M. Morrissey.	Marysville.
		S. K. Adams.	Macdoel.
		J. H. Williams.	No. 5.
		J. N. Bicknell.	Cottonwood.
		A. J. Lutiges.	Maine Prairie.
		James Wells.	Sierra.
		T. W. Brown.	No. 15.
		W. A. Scott.	No. 4.
		C. H. Hayden.	No. 1.
		{ W. E. Langdon.	Marysville.
		J. M. Morrissey.	Marysville.

Town.	County.	Justice.	Township.	Constable.
Maxwell.	Colusa.	S. A. Hindline.	Maxwell.	W. J. Ortner.
Mayfield.	Santa Clara.	C. Van Buren.	Mayfield.	J. K. Albee.
McCloud.	Siakiyou.	F. B. Nichols.	Squaw Valley.	Samuel D. Kelly.
McKittrick.	Kern.	Frank J. Burns.	No. 18.	J. H. Murphy.
Mecoa.	Riverside.	Smith Mianer.	Mecoa.	H. F. Scott.
Mendocino.	Mendocino.	W. T. Wallace.	Big River.	M. M. Curtis.
Mendota.	Fresno.	Isaac Myer.	No. 1.	Caspar Schmidhuber.
Merced.	Merced.	W. B. Croop.	No. 2.	J. H. McNamara.
Meridian.	Sutter.	Furlough Andrew.	Sutter.	H. C. Epperson.
Mesa Grande.	San Diego.		Mesa Grande.	S. B. Helm.
Michigan Bluff.	Placer.	H. L. Van Eman.	No. 6.	E. E. Noyes.
Middletown.	Lake.	G. A. McKinley.	No. 1.	C. M. Dunham.
Millville.	Shasta.	C. P. Dunham.	Millville.	J. H. Costigan.
Milpitas.	Santa Clara.	F. H. Topham.	Milpitas.	Geo. T. Davis.
Modesto.	Stanislaus.	J. B. Jennings.	Modesto.	H. C. Hamilton.
Mojave.	Kern.	E. M. Dearborn.	No. 10.	O. L. Ratto.
Mokelumne Hill.	Calaveras.	E. E. Buroe.	Mokelumne Hill.	
Mono Lake.	Mono.	A. G. Allen.	Homer.	Jas. L. Quiggle.
Monrovia.	Los Angeles.	J. B. Holloway.	El Monte.	Geo. T. Whitsett.
Montague.	Siakiyou.	G. H. Chambers.	Table Rock.	{ F. B. Graxiola.
Monterey.	Monterey.	Ernest Michaelis.	Monterey.	{ T. W. Allen.
Montgomery Creek.	Shasta.	L. B. Ralston.	Round Mountain.	G. N. Baker.
Monticello.	Napa.	Geo. W. McCrellis.	Monticello.	Jos. Moore.
Montana.	Shasta.	Geo. Annand.	Shingletown.	P. L. Childs.
Moreno.	Riverside.	Alex Dallas.	Moreno.	{ Edgar V. McKay.
Morgan Hill.	Santa Clara.			{ (Armada.)
Morro.	San Luis Obispo.	T. H. Miller.	Burnett.	L. Patron.
Mountain View.	Santa Clara.	Vacant.	Morro.	Iver Holt.
Murphys.	Calaveras.	F. P. Beverley.	Fremont.	W. J. McComb.
Murrietta.	Riverside.	Andrew C. Anderson.	Murphys.	Louis Malaspina.
		William Anderson.	Murrietta.	{ John Roripaugh.
				{ (Temecula.)
Napa.	Napa.	{ Geo. W. Gilderaleave.	Napa.	N. S. Thomas.
		{ T. A. Grigsby.	Napa.	G. W. Allen.
National.	San Diego.	A. L. Sherman.	National.	{ Jerry O'Connell.
Nelson.	Butte.	A. A. Rutland.	Nelson.	{ C. A. Sumner.
Nevada City.	Nevada.	Lee A. Garthe.	Nevada.	Clarence Garner.
				C. O. Jepsen.

Town.	County.	Justice.	Township.	Constable.
New Castle.	Placer.	None.	No. 14.	G. A. Colwell.
Newhall.	Los Angeles.	J. F. Powell.	Soledad.	W. E. Pardoe.
Newville.	Glenn.		No. 6.	J. M. Flood.
Nicolaus.	Sutter.	T. J. Mulvany.	Nicolaus.	{ Luther Britte. (Pleasant Grove.)
Nipomo.	San Luis Obispo.	B. E. Penn.	Nipomo.	Wm. Cotter.
Northhoff.	Ventura.	I. W. Wolfe.	Nordhoff.	A. A. Van Curen.
Norwalk.	Los Angeles.	Erasmus P. Truitt.	Norwalk.	John Settle.
Novato.	Marin.	H. J. Conradt.	Novato.	T. F. Sutton.
Oakdale.	Stanislaus.	O. N. Wilkinson.	Oakdale.	A. T. Corrigan.
		{ James G. Quinn.		{ Morris Lane.
Oakland.	Alameda.	Wm. B. Geary.	Oakland.	{ H. T. Hemstead.
		Aaron Turner.	Brooklyn.	{ Thos. D. Carroll.
Ocean Park.	Los Angeles.	W. A. Rennie.	Brooklyn.	W. C. Allen.
			Ballona.	{ Frank J. Barton.
Old Beach.	Imperial.	R. H. Hoogood.		{ (Venice.)
				{ A. L. Johnson.
Ono.	Shasta.	W. J. Hammans.	Igo.	{ (Imperial June.)
Ontario.	San Bernardino.	J. R. Pollock.	Ontario.	T. A. Jones.
Orange.	Orange.	James Fullerton.	Orange.	Wm. O. Hardy.
Oregon House.	Yuba.	Paul Simmons.	Parks Bar.	G. L. Jackson.
Orcutt.	Santa Barbara.	Cook Farnum.	No. 10.	Wm. T. Mullin.
Oriand.	Glenn.	F. W. Sidener.	No. 2.	R. O. Walker.
Orleans.	Humboldt.	J. M. French.	Orleans.	John W. Lake.
Oroai.	Tulare.	Charles H. Evans.	Orosi.	Harry Ferris.
Oroville.	Butte.	J. V. Parks.	Ophir.	J. W. Brooks.
Otay.	San Diego.	T. B. Pierson.	Otay.	J. A. Toland.
Oxnard.	Ventura.	C. J. Elliott.	Oxnard.	Frank Cassidy.
				C. C. Eason.
Pacific Grove.	Monterey.	C. W. Van Horn.	Pacific Grove.	Phil Oyer.
Palo Alto.	Santa Clara.	S. W. Charles.	Palo Alto.	J. S. Grider.
Palo Cedro.	Shasta.	Geo. J. Boyle.	Buckeye.	{ E. E. Warren.
				{ (Bella Vista.)
Parfield.	Monterey.	L. S. Patriquin.	Cholame.	Chas. Gillett.
Parlier.	Fresno.	J. E. Schofield.	No. 14.	I. D. Sayre.
Pasadena.	Los Angeles.	Henry H. Klamroth.	Pasadena.	{ W. C. Austin.
				{ H. F. Newell.

Town.	County.	Justice.	Township.	Constable.
Packenta.	Tehama.	Wm. Lee.	Packenta.	A. L. Oobb.
Paso Robles.	San Luis Obispo.	Lyman Brewer.	Paso Robles.	R. W. Gano.
Pennagrove.	Sonoma.	L. J. Hills.	Vallejo.	{ Fred Grimm.
				{ Ootati.
Perris.	Riverside.	C. Vermason.	Perris.	Lisle Bentley.
Pescadero.	San Mateo.	A. W. Woodhams.	No. 5.	John F. Bennett.
Petaluma.	Sonoma.	N. King.	Petaluma.	{ J. B. Sullivan.
				{ R. L. Reasmussen.
				{ F. J. Ester.
Petrolia.	Humboldt.	Geo. A. Cummings.	Mattole.	G. E. Reilly.
Peso.	San Luis Obispo.	G. G. Walker.	Peso.	Geo. W. Fraser.
Philo.	Mendocino.	B. G. Gowan.	Anderson.	W. J. McDermott.
Pioche.	Contra Costa.	W. P. Terry.	No. 11.	Oliver Schumacher.
Pittsburg.	Contra Costa.	James Fitzgerald.	No. 6.	W. H. Davey.
Placencia.	Orange.	F. M. Fraser.	Placencia.	{ G. W. Betts.
Placerville.	El Dorado.	Clarke Howard.	Placerville.	{ Chas. Gates.
				{ J. H. Boyd.
Plano.	Tulare.	John R. McVicker.	Plano.	{ Larkin M. Locke.
Plantation.	Sonoma.	F. W. Chaves.	Salt Point.	{ N. E. Wheeler.
				{ Wm. Ketchum.
Pleasanton.	Alameda.	P. C. Quinn.	Murray.	J. R. Geary.
Plymouth.	Amador.	John Blower.	No. 5.	Frank O. Slinker.
Point Arena.	Mendocino.	H. B. Scott.	Arena.	J. Ahern.
Point Reyes.	Marin.		Point Reyes.	W. E. Maston.
Pomona.	Los Angeles.	Erastus Barnes.	San Jose.	M. C. Bringham.
Port Costa.	Contra Costa.	J. L. Dunn.	No. 2.	I. L. Thompson.
Porterville.	Tulare.	Alma Hall, Jr.	Tule River.	G. Bidart.
Portola.	Plumas.	A. J. Long.	Beckwourth.	
Princeton.	Colusa.	H. S. Keeran.	Princeton.	
Puente.	Los Angeles.	Solomon Geer.	Puente.	
Quincy.	Plumas.	{ W. S. Dean.	Plumas.	O. P. Moseley.
		{ J. E. Wilson.		
Ramona.	San Diego.	James F. Kelly.	Ramona.	R. C. Darrrough.
Randaburg.	Kern.	E. B. Maglania.	No. 11.	D. E. Thompson.
Red Bluff.	Tehama.	E. F. Lennon.	Red Bluff.	H. E. McGovern.
Redding.	Shasta.	W. E. Herringer.	Redding.	E. B. Shallock.
				{ C. T. Conklin.
Redlands.	San Bernardino.	Peter G. McIver.	Redlands.	{ J. A. Rivera.

Town.	County.	Justice.	Township.	Constable.
Redondo.	Los Angeles.	L. F. Wells.	Redondo.	Lee Stanchfield.
Redwood City.	San Mateo.	H. W. Lambkin.	No. 8.	{ M. H. Walsh. (Menlo Park.) E. A. M. Webb.
Reedley.	Fresno.	O. D. Lyon.	No. 8.	H. R. Coval.
Rescue.	El Dorado.	Wm. H. Skinner.	White Oak.	W. S. Farmer.
Rialto.	San Bernardino.	Chas. N. Johnson.	Rialto.	J. H. Gregory.
Richmond.	Contra Costa.	John Roth.	No. 15.	Lloyd Brown.
Rio Dell.	Humboldt.	Htie Robinson.	Hydesville.	J. B. Fiscus.
Rio Vista.	Solano.	{ F. J. Kalber. R. H. Barkway.	Rio Vista.	Milo Mortenson.
Ripon.	San Joaquin.	{ Thos. Hearty. L. S. Wilson.	Denverton.	Frank Hutchinson.
Riverside.	Riverside.	{ Holton Webb. H. C. Hibbard.	Dent.	H. O. Higgins.
Rocklin.	Placer.	Lilly Laird.	West Riverside.	John Baird.
Roseville.	Placer.	Andrew Scott.	Riverside.	W. W. Squires.
Rust.	Contra Costa.	W. F. Huber.	Riverside.	G. C. Willard.
			No. 1.	E. Radenli.
			No. 7.	H. F. Davis.
			Sutter.	Geo. W. Daly.
		Edwin McEwen.	Sutter.	T. T. Tinsan.
		J. S. McMahon.	City of Sacramento.	R. A. Merkle.
		W. A. Anderson.	Riverside.	{ John W. Dougherty. T. B. Hagerty.
		M. F. Shelley.	Sacramento.	M. J. Judge.
		R. M. Clarken.	American.	{ S. M. Gregory. J. W. Church.
		Silas Orr.	Alisal.	{ David J. Zwing. E. B. McGlinchey.
	Monterey.	David Wallace.	San Ardo.	S. A. Jones.
Salinas.	Calaveras.	C. F. Walter.	San Benito.	{ John G. Niah. W. D. F. Allen.
San Ardo.	Monterey.	H. G. Towle.	San Diego.	G. H. Oooley.
San Benito P. O.	San Benito.	John Shields.	San Fernando.	H. J. Place.
San Bernardino.	San Bernardino.	G. M. Pittman.	No. 7.	F. E. Strader.
San Diego.	San Diego.	{ George Puterbaugh. Solon Bryan.	San Jacinto.	G. B. Campbell.
San Fernando.	Los Angeles.	J. H. Barclay.	San Jose.	Chas. C. Chambers.
Sanger.	Fresno.	Oris Hayward.	San Jose.	J. F. Shannon.
San Jacinto.	Riverside.	F. M. Saltee.	San Jose.	M. F. Marshall.
San Jose.	Santa Clara.	{ F. B. Brown. J. T. Wallace.		

Town.	County.	Justice.	Township.	Constable.
San Juan.	Orange.	John Landell.	San Juan Capitranco.	M. Yorba.
San Juan Bautista.	San Benito.	E. A. Pearce.	San Juan Bautista.	E. Zanetta.
San Leandro.	Alameda.	D. U. Toffelmier.	Eden.	Manuel Borge.
San Lucas.	Monterey.	Chas. T. Besaley.	Peach Tree.	J. P. McKeon.
San Luis Obispo.	San Luis Obispo.	Wm. Mallagh.	San Luis Obispo.	Chas. J. Taylor.
San Luis Rey.	San Diego.	J. L. Nugent.	San Luis Rey.	S. Marron.
San Mateo.	San Mateo.	J. A. McCormick.	No. 2.	Michael Sheehan.
San Miguel.	San Luis Obispo.	Wm. McNail.	San Miguel.	S. P. Sittion.
San Pablo.	Contra Costa.	J. H. Chichester.	No. 10.	J. E. Moittosa.
San Rafael.	Marin.	W. F. Magee.	San Rafael.	H. J. Lucas.
Santa Ana.	Orange.	J. B. Cox.	Santa Ana.	{ F. W. Heard.
				{ C. E. Jackson.
Santa Barbara.	Santa Barbara.	{ W. H. Wheaton.	No. 2.	{ Peter Storni.
		{ J. G. Shoup.	No. 2.	{ G. J. Fullington.
Santa Clara.	Santa Clara.	{ C. Thompson.	Santa Clara.	{ Madison Hite.
		{ J. E. Glendenning.	Santa Clara.	{ Geo. W. Lyle.
Santa Cruz.	Santa Cruz.	{ Harry J. Bias.	Santa Cruz.	{ Frank H. Moore.
		{ W. M. Gardner.	Santa Cruz.	{ J. H. Carney.
Santa Margarita.	San Luis Obispo.	{ Alberto Estrada.	Santa Margarita.	{ L. B. Sumner.
Santa Maria.	Santa Barbara.	{ L. J. Morris.	No. 7.	{ G. L. Blosser.
Santa Monica.	Los Angeles.	{ G. Edwin Brown.	Santa Monica.	{ S. H. Jackson.
Santa Paula.	Ventura.	{ B. B. DeNure.	Santa Paula.	{ A. J. Baker.
Santa Rosa.	Sonoma.	{ A. J. Atchison.	Santa Rosa.	{ J. W. Pemberton.
Saratoga.	Santa Clara.	{ Martin Kane.	Saratoga.	{ S. J. Gilman.
				{ E. C. Stamper.
Sausalito.	Marin.	{ Thos. R. Maguire.	Sausalito.	{ E. Cramer.
				{ P. Truette.
Sawtelle.	Los Angeles.	{ J. B. Michaels.	Malibu.	{ John J. Carpenter.
Sawyers Bar.	Siakiyon.	{ H. K. Tonkin.	Sawyers Bar.	{ Milton Dunphy.
Scott Bar.	Siakiyon.	{ L. E. Hicks.	Scott River.	{ Geo. Milne.
Selma.	Fresno.	{ Joel H. Smith.	No. 5.	{ H. B. Staley.
Shasta.	Shasta.	{ J. W. Strode.	Shasta.	{ G. A. Schroter.
Sherman.	Los Angeles.	{ None.	Cahuenga.	{ J. Benedict.
Sierra City.	Sierra.	{ S. R. Stephenson.	Butte.	
Sierraville.	Sierra.	{ Fritz Ohland.	Sierra.	
Ellisbee.	Imperial.	{ F. M. Moore.		
				{ W. S. Tait.
Silver Lake.	San Bernardino.	{ R. Y. Williams.	Silver Lake.	{ Chas. A. Winters.
Simi.	Ventura.	{ G. M. Bott.	Simi.	{ (Laguna.)
				{ E. H. Patterson.



Town.	County.	Justice.	Township.	Constable.
Siason.	Siakiyou.	Henry McGuinness.	Butte.	B. F. Van Horn.
Smartville.	Yuba.	J. E. Cramble.	Rose Bar.	J. H. Warne.
Smith River.	Del Norte.	Peter Mass.	Smith River.	None.
Shelling.	Merced.	I. J. Buckley.	No. 1.	Edgar Latour.
Soledad.	Monterey.	Y. P. Villegas.	Soledad.	Boy Wescott.
Somes Bar.	Siakiyou.	W. H. Hotelling.	Somes Bar.	Geo. W. Tripp.
Sonoma.	Sonoma.	James Campbell.	Sonoma.	J. F. Ryan.
Sonora.	Tuolumne.	William Hartvig.	No. 1.	Geo. M. Marks.
Sequel.	Santa Cruz.	W. E. Wheaton.	Sequel.	W. J. Nash.
South Pasadena.	Los Angeles.	George W. Glover.	South Pasadena.	Wm. H. Johnston
Springville.	Tulare.	Harry Wilkinson.		
Stagg.	San Bernardino.	E. A. Reinert.	Ludlow.	G. V. Hopkins.
Standish.	Lassen.	E. F. Koken.	No. 8.	J. B. Leavitt.
Stanton.	Orange.	Marshall Clark.	Stanton.	D. L. Newlin.
Sterling City.	Butte.	A. J. Story.	Kimshaw.	Clay Buchanan.
St. Helena.	Napa.	W. J. Blake.	St. Helena.	R. M. Cook.
Stockton.	San Joaquin.	L. M. Toal.	O'Neal.	{ Roy Jones.
				{ W. J. Hersom.
Stockton.	San Joaquin.	{ A. C. Parker.	Stockton.	M. N. Beach.
		{ Otto Von Detten.	City of Stockton.	A. G. Gianelli.
Stonyford.	Colusa.	{ J. F. Durham.	Stonyford.	Jas. Byers.
		{ F. W. Hickok.	No. 8.	W. J. Salisbury.
Suisun.	Solano.	W. W. R. Reeves.	Suisun.	{ John Joyce.
Summerland.	Santa Barbara.	Melvin Snow.	No. 1.	{ A. P. Romero.
				{ (Montecito.)
Sunnyvale.	Santa Clara.	C. C. Devert.	Sunnyvale.	M. J. McGinnis.
Susanville.	Lassen.	M. R. Arnold.	No. 1.	J. H. Packard.
Sutter Creek.	Amador.	W. L. Rose.	No. 4.	John Bernardia.
Taft.	Kern.	T. J. O'Boyle.	No. 16.	Sam Ferguson.
Tahoe.	Placer.	C. W. Nelson.	No. 11.	R. M. Watson.
Taylorville.	Plumas.	James T. Taylor.	Indian.	J. L. Church.
Tehachapi.	Kern.	Chas. Heath.	No. 2.	Frank J. Chornich.
Tehama.	Tehama.	G. H. McLane.	Tehama.	A. R. Amek.
Templeton.	San Luis Obispo.	V. E. Donelson.	Salinas.	Peter Nyberg.
Thermal.	Riverside.	J. A. Gordon.	Thermal.	A. H. Sandford.
Thornton.	San Joaquin.	E. H. Barber.	Union.	G. M. Clark.

Town.	County.	Justice.	Township.	Constable.
Tipton.	Tulare.	George H. Berry.	Tipton.	{ W. M. Thomson. H. N. Evans. Frank A. Thompson E. Gieseke. C. W. Kincaid. Fred C. Flaherty. Chas. W. Catlin. (Burbank.) I. F. Harvey. J. C. Virden. Frank Hucksby. A. E. Simensen. H. W. Huckins. (North San Juan.) O. C. Brewer. Judd F. Sawyer. Gila Howard.
Tracy.	San Joaquin.	D. J. Looney.	Tulare.	
Tres Pinos.	San Benito.	L. Thornpton.	Tres Pinos.	
Trinidad.	Humboldt.	Thomas T. Tighe.	Trinidad.	
Tropic.	Los Angeles.	Geo. C. Melrose.	Burbank.	
Truckee.	Nevada.	C. W. Long.	Meadow Lake.	
Tulare.	Tulare.	W. M. DeWitt.	Tulare.	
Tuolumne.	Tuolumne.	C. H. Smyth.	No. 5.	
Turlock.	Stanislaus.	C. H. Bevans.	Turlock.	
Tyler.	Nevada.	John Brophy.	Bridgeport.	
Ukiah.	Mendocino.	D. C. Crockett.	Ukiah.	
Upland.	San Bernardino.	Geo. R. Crane.	Upland.	
Upper Lake.	Lake.	S. T. Packwood.	No. 8.	
Vacaville.	Solano.	R. H. Platt.	Vacaville.	
Vallejo.	Solano.	{ Arthur Lindauer. J. A. Fitzgerald. Joseph R. Ward. S. Chas. Mendenhall. Samuel T. Allen. C. G. Knox.	Vallejo. Vallejo. Vallejo. Palomar. Valley Center. Ventura.	Joseph Stadfield. Jas. Blessington. Jas. Ward.  Engene Fordyce. Ed Dolch. Jas. A. Harper. W. J. Newman. Jas. C. Wallace. South San Francisco. J. H. Parker. (Daly City.) Mrs. Toney Delucchi.
Valley Center.	San Diego.	Howard J. Martin.	Victor.	
Ventura.	Ventura.	Walker Henderson.	Vina.	
Victorville.	San Bernardino.	Earl Bagby.	Visalia.	
Vina.	Tehama.			
Visalia.	Tulare.			
Vista Grande.	San Mateo.	Ellis C. Johnson.	No. 1.	
Volcano.	Amador.	Al. Lehn.	No. 8.	
Walker.	Siakiyon.	P. C. Lange.	Oak Bar.	E. T. Rider.
Walnut Creek.	Contra Costa.	G. O. Duncan.	No. 8.	A. Williams.
Walnut Grove.	Sacramento.	T. J. Mealer.	Georgiana.	Gordon Dye.
Washington.	Nevada.	A. McGagin.	Washington.	J. L. McCulla.

Town.	County.	Justice.	Township.	Constable.
Watsonville.	Santa Cruz.	{ A. B. Hawkins. D. W. Rohrbach.	Watsonville.	{ J. H. Corr. Lawrence Sandberg.
Watts.	Los Angeles.	Thomas V. Cassidy.	Pajaro.	G. R. Gano.
Wawona.	Mariposa.	E. N. Baxter.	San Antonio.	Geo. Morrison.
Weaverville.	Trinity.	H. D. Barber.	No. 5.	J. C. Bruce.
Weed.	Siakiyon.	L. M. Hobson.	Weaverville.	Chas. Warren.
Weitchpec.	Humboldt.	A. S. York.	Edgewood.	Jos. Lockyear.
Westminster.	Orange.	S. E. Chaffee.	Klamath.	{ T. A. Brett. (China Flat.)
West Point.	Calaveras.	A. A. Swithenbank.	Garden Grove.	{ Jno. M. Clark. George F. Pickering.
Westport.	Mendocino.	W. M. Standley.	West Point.	{ (Railroad Flat.) C. E. Gordon.
Wheatland.	Yuba.	{ S. D. Hicks. John Seaward.	Westport.	L. B. Anderson.
White River.	Tulare.	{ W. B. Freeborn. N. D. Ellis.	East Bear River.	J. E. Hollingshead.
Whittier.	Los Angeles.	J. W. Cretcher.	White River.	W. J. Dunlap.
Williams.	Colusa.	E. M. Whitney.	Los Nietos.	R. B. Way.
Willits.	Mendocino.	L. P. Farnham.	Williams.	H. A. Christopher.
Willows.	Glenn.	C. W. Patterson.	Little Lake.	J. M. Whitecomb.
Winchester.	Riverside.	H. N. N. Latimer.	No. 4.	Newt Power.
Windsor.	Sonoma.	W. P. Womack.	Diamond.	A. G. Hull.
Winters.	Yolo.	E. A. Wilson.	Russian River.	R. G. Shane.
Winthrop.	Shasta.	J. E. Strong.	Winters.	G. W. Andrews.
Woodland.	Yolo.	{ W. W. Futrell. H. H. Beckwith.	Sacramento River.	Jas. Saxon.
Woodville.	Tulare.	Wirt Millsap.	Woodland.	W. E. Barker.
Yolo.	Yolo.	August Lemke.	Woodville.	Jno. W. Blair.
Yorba.	Orange.	E. C. Starky.	Cacheville.	Wm. Schneegas.
Yountville.	Napa.	C. E. Johnson.	Anahelm.	M. Boisserance.
Yreka.	Siakiyon.	Geo. B. Snell.	Yountville.	A. B. Patten.
Yuma.	San Bernardino.	W. E. Tucker.	Yreka.	Wm. Calkins.
Yuba City.	Sutter.	W. P. White.	Yuma.	D. D. Connell.
Zenia.	Trinity.		Yuba.	W. I. Smallwood.
			Mad River.	{ W. S. Wilburn. (Caution.)

## COMMISSIONERS OF DEEDS.

**Arizona—**

Frank Baxter, Yuma.

**Australia—**

David Fealy—Sydney.

**Colorado—**

Clarence S. Nettles, Denver.

**District of Columbia—**

Anson S. Taylor, Washington.

Isaac R. Hitt, Washington.

Jno. E. Mitchell, Washington.

**France—**

Wm. H. Pauling Enrich—Paris.

Auguste Maley—Paris.

Chas. G. Loeb—Paris.

Leon Virelet—Paris.

**Germany—**

Robt. Kuehnert—Berlin.

**Great Britain—**

Lucas D. Gray—Ballabay, Monaghan, County, Ireland.

J. Cato Worsfold—London, England.

J. Burke Hendry—London, England.

Claude Basil Lumley—London, England.

Geo. M. McIlldowie—Belfast, Ireland.

Horatius Stuart—Edinburgh, Scotland.

Frederick Patterson Milligan—Edinburgh, Scotland.

Francis V. Darch—London.

Sydney R. Pollard—London.

Geo. W. Edwards—Liverpool, England.

Jno. C. O'Carroll—Carrickmacross, Ireland.

Allen E. Messer—London.

Sydney H. Peddar—London.

Thos. J. McGrath—Dublin.

Chas. E. Murphy—Cookhill, Ireland.

Alexander T. Lang—Carrickmacross, Ireland.

Alexander Bell Ferguson—Glasgow.

Wm. Woods—Clones, Ireland.

Jno. Jos. Horgan—Cork, Ireland.

James Henry Nelson Curtis—Sutton (Surrey) Epsom and London.

**Hawaii—**

Geo. A. Davis—Honolulu.

Patrick Henry Burnette—Honolulu.

J. T. Walker—Honolulu.

**Italy—**

Chas. McNamee—Rome.

**Massachusetts—**

Blanche I. Brackett, Boston.

Jno. Dearborn, Malden.

**Missouri—**

Harold Johnson, St. Louis.

**New Jersey—**

Jas. Teeling, Newark.

Richard Stockton, Newark.

**New York—**

Samuel B. Goodale, New York.

Jos. B. Braman, New York.

Wm. F. Lett, New York.

Wm. Johnson, New York.

George H. Covey, New York.

Irvin J. Weil, New York.

Jno. J. Dwyer, New York.

Ella F. Braman, New York.

**Oregon—**

Arthur P. Tift, Portland.

**Pennsylvania—**

Jno. S. Wurts, Philadelphia.

Robt. W. Lloyd, Philadelphia.

Elbert Williamson, Philadelphia.

Kinley J. Tener, Philadelphia.

Thos. J. Hunt, Philadelphia.

**Rhode Island—**

Edwin C. Potter, Providence.

**NOTARIES PUBLIC.**

[The notaries public of California are numbered by the thousands. The accompanying list contains one for each town except San Francisco. The notary given is usually the one whose commission has the longest to run.]

ACAMPO—D. M. Denehy.  
 ADIN—Geo. H. Knight.  
 AGER—Judson A. Ager.  
 AGNEW—T. T. Tourtillott.  
 AGUA CALIENTE—Morris Levy.  
 ALAMEDA—A. H. Breckwoldt.  
 ALBION—Albert C. Hogan.  
 ALDER POINT—Joseph F. McKnight.  
 ALHAMBRA—Raymond W. Jarecki.  
 ALLENWORTH—Zebedee M. Hindsman.  
 ALPAUGH—H. L. Wilson.  
 ALTADENA—James B. Eddie.  
 ALTAVILLE—Monte Verila Lawrence.  
 ALTON—Frank Luther.  
 ALTURAS—A. F. Sharbel.  
 AMADOR CITY—O. E. Martin.  
 ANAHEIM—Richard Melrose.  
 ANDERSON—J. O. Bleichfeldt.  
 ANGELS CAMP—A. Barry.  
 ANNETT—James Miller.  
 ANTIOCH—J. P. Abbott.  
 APTOS—C. W. Hortsman.  
 ARBUCKLE—J. W. Woodland.  
 ARCAT—Thomas R. Emerson.  
 ARLINGTON—Francis Pedley.  
 ARROYO GRANDE—M. R. Swall.  
 ARTESIA—Arthur E. E. Frampton.  
 ATWATER—W. H. Osborne.  
 AUBERY—C. F. Lewis George.  
 AUBURN—Fred P. Tuttle, Jr.  
 AVALON—W. M. LeFavor.  
 AZUSA—G. E. Glover.

BAGDAD—William J. Coopman.  
 BAKERSFIELD—T. F. Allen.  
 BALDWIN PARK—William R. Johnson.  
 BALLARAT—H. L. S. Robinson.  
 BANDSTOWN—Harry A. Valentine.  
 BANGOR—M. M. Turner.  
 BANNING—Charles T. Dyhre.  
 BARKER—Geo. T. Shaw.  
 BARSTOW—Eugene L. White.  
 BAY POINT—A. N. Lofgren.  
 BEAUMONT—E. J. Gillis.  
 BELDEN—Clement N. M. Nallen.  
 BELL—Presley Moore.  
 BELVEDERE—Jos. S. Hawkins.  
 BENICIA—J. S. Stevens.  
 BEN LOMOND—Nellie T. Nicholson.  
 BENTON—Samuel J. Alderman.  
 BERKELEY—Floy Crane.  
 BESWICK—W. C. Brown.

BETTERAVIA—W. W. Stokes.  
 BIEBER—Homer C. Jack.  
 BIGGS—Nellie I. Carnduff.  
 BIG OAK FLAT—Daniel Corcoran.  
 BIG PINE—O. L. Anderson.  
 BIRDS LANDING—Alexander W. McDonald.  
 BISHOP—W. M. Brooks.  
 BLACKSBURG—F. M. Helmke.  
 BLOOMINGTON—J. E. Blair.  
 BLUE LAKE—Gus Perigot.  
 BLYTHE—Henry C. Downes.  
 BOCA—S. E. Wagner.  
 BODIE—O. F. Hakes.  
 BOLINAS—Joseph G. Petar.  
 BOONEVILLE—T. E. Rawles.  
 BONSALE—Geo. D. Stevens.  
 BOULDER CREEK—W. B. Peery.  
 BRAWLEY—M. G. Doud.  
 BRAY—William J. Bray.  
 BREA—A. J. Olsen.  
 BRENTWOOD—R. G. Dean.  
 BRICELAND—C. S. Thomas.  
 BRIDGEPORT—Pat R. Parker.  
 BRIDGEVILLE—M. Lue Ballard.  
 BROOKDALE—Alfred DeInoy.  
 BROWN—Mary T. Haelsig.  
 BROWNSVILLE—C. F. Harvey.  
 BRUCEVILLE—Charles W. Peck.  
 BUENA PARK—D. W. Hasson.  
 BULLION—Harold M. Power.  
 BURBANK—Charles E. Salisbury.  
 BURLINGAME—J. M. Chrisman.  
 BURKE—Sadie Dixon.  
 BURNEY—A. W. Gale.  
 BURRELL—F. F. Eaton.  
 BURSON—Daniel M. Dyer.  
 BUTTE CITY—George F. Le Rossignol.  
 BYRON—F. A. Gaines.  
 BYRON SPRINGS—L. R. Mead.

CALEXICO—H. H. Griswold.  
 CALISTOGA—C. W. Crouch.  
 CALLAHAN—R. V. Hayden.  
 CALWA—John C. Maloney.  
 CALAVERAS—Henry A. Cavagnaro.  
 CAMARILLO—Albert M. Meyer.  
 CAMBRIA—W. M. Lyons.  
 CAMINO—John B. Hughes.  
 CAMPBELL—John F. Duncan.  
 CAMP MEEKER—Cardine L. Morgan.  
 CAMPO—Isabella M. Davies.  
 CAMPO SECO—J. F. Paulk.  
 CAPAY—Geo. W. Tandy.

- CARMEL—J. W. Hand.  
 CARPINTERIA—Thomas W. Ward.  
 CASPAR—Fred W. Stickney.  
 CASSELL—H. E. Williams.  
 CASCADA—D. L. Roberts.  
 CASTELLA—John O. Smythe.  
 CASTROVILLE—S. Reed Williams.  
 CAYUCAS—Jas. A. Girard.  
 CAZADERO—W. B. Quigley.  
 CEDARVILLE—L. N. Pabst.  
 CEMENT—F. S. Saunders.  
 CENTERVILLE—Thomas C. Huxley.  
 CERES—L. H. Whitmore.  
 CHICO—J. D. March.  
 CHINA FLAT—Albert W. Symmes.  
 CHINESE CAMP—Sol. Morris.  
 CHINO—Clyde Doyle.  
 CHOWCHILLA—J. A. Perry, Jr.  
 CHULA VISTA—T. B. Frost.  
 CHUALAR—Geo. P. Beck.  
 CISCO—Ella M. Freeman.  
 CLAREMONT—A. W. Richards.  
 CLARKSBURG—G. H. Colby.  
 CLAYTON—Gus L. Goethals.  
 CLIO—J. N. Place.  
 CLIPPER MILLS—W. J. Schultz.  
 CLOVERDALE—Lewis Raymond Lambert.  
 CLOVIS—E. S. Nevins.  
 COACHELLA—H. A. Westerfield.  
 COALINGA—Harry Herren.  
 COARSEGOLD—H. A. Krohn.  
 COFFEE—E. E. Pinkham.  
 COLEGROVE—F. W. McCabe.  
 COLFAX—Lee Gray.  
 COLMA—Henry Ward Brown.  
 COLTON—Fred O. Lewis.  
 COLUMBIA—John W. Pitts.  
 COLUSA—Seth Millington.  
 COMPTON—E. E. Elliott.  
 COMPTONVILLE—S. J. Fraser.  
 CONCORD—Wilfred L. Brown.  
 CONEJO—Aaron B. Butler.  
 COPPEROPOLIS—J. T. Baker.  
 CORAM—George J. Hardy.  
 CORCORAN—W. S. McCreary.  
 CORDELIA—A. H. Klahn.  
 CORNING—C. S. Jobe.  
 CORONA—John P. Key.  
 CORONADO—J. Brooks.  
 CORTE MADERA—W. A. James.  
 COTTONWOOD—J. E. Dilley.  
 COULTERVILLE—W. J. McCarthy.  
 COURTLAND—C. E. Brunnell.  
 COUTOLENE—J. M. Ellis.  
 COVELO—Amos Dennis.  
 COVINA—Lottie M. Merwin.  
 COWELL—Elvin N. Leh.  
 CRESCENT CITY—Ethel L. Howe.  
 CRESSY—John M. Miller.  
 CROCKETT—Hugh P. Edwards.  
 CROWS LANDING—L. McAulay.  
 CUCAMONGA—H. O. Ward.  
 CUDDY'S RANCH—Florence L. Cuddy.  
 DALY CITY—Fred T. Peterson.  
 DANLY—Homer R. Scott.  
 DANVILLE—F. A. Marshall.  
 DARWIN—Mamie E. Reynolds.  
 DAVENPORT—E. Valla.  
 DAVIS—Forrest A. Plant.  
 DECOTO—T. S. Ferreira.  
 DELANO—H. Hawley.  
 DELTA—Edward Sanders.  
 DEL NORTE—Ernett S. Husted.  
 DENAIR—A. M. Morton.  
 DEVOTO—Harriett Joyce.  
 DINUBA—C. C. Threlkeld.  
 DIXON—R. Moss.  
 DOBBINS—Wm. Sonimons.  
 DORRIS—M. Stitsen.  
 DOS PALOS—Seibert Cain.  
 DOWNEY—Arthur L. Darby.  
 DOWNIEVILLE—James F. Hunt.  
 DOYLE—F. J. Curley.  
 DUCOR—Arthur L. Harris.  
 DUNBAR—S. W. Jackson.  
 DUNCAN'S MILLS—Jean Pyatt.  
 DUNNIGAN—Frank Weidner.  
 DUNSMUIR—Mason A. Bailey.  
 DURHAM—James M. Smith.  
 DYERVILLE—R. E. Morton.  
 EAGLEVILLE—John W. Taylor.  
 EAST AUBURN—G. E. Lukens.  
 EAST OAKLAND—H. A. Thomas.  
 EAST HIGHLANDS—Jesse Cadwalader.  
 EAST SAN DIEGO—David H. Ryan.  
 EAST WHITTIER—J. F. Hubbard.  
 EDGEWOOD—A. C. Gridley.  
 EL CAJON—Ina C. True.  
 EL CENTRO—Allen P. Nuffer.  
 EL DORADO—V. Arrasmith.  
 ELDREDGE—R. I. Wickham.  
 EL GRANADA—Geo. Croydon.  
 ELIZABETH LAKE—Chas. Hahn.  
 ELK—C. W. Walker.  
 ELK CREEK—William Dodd.  
 ELK GROVE—M. A. Mitchell.  
 ELMHURST—A. F. Horstman.  
 ELMIRA—F. H. Clark.  
 EL MONTE—A. B. Edincott.  
 EL PASO DE ROBLES—E. M. Bennett.  
 EL PORTAL—B. K. Young.  
 EL SEGUNDO—B. M. Kunston.  
 ELSINORE—J. T. Kuhns.  
 EMERYVILLE—B. R. Lane.  
 EMPIRE—C. W. Caylor.  
 ENCANTO—Joseph Ryan.  
 ENCINITAS—T. W. Cozens.  
 ESCALON—Andrew Kern.

ESCONDIDO—W. N. Bradbury.  
 ESPARTO—H. S. Dunlap.  
 ESTUDILLO—William H. Willcox.  
 ETNA—Marx Martins.  
 ETNA MILLS—W. T. Young.  
 EUGENE—D. E. Kelleher.  
 EUREKA—Otto C. Gregor.  
 EXETER—Fleetwood Bell.

FAIRFIELD—K. I. Jones.  
 FAIR OAKS—Ida M. Palmer.  
 FAIR PLAY—Minnie E. Allen.  
 FAIRPORT—Fred Shaffer.  
 FALLBROOK—W. M. Smelser.  
 FALL RIVER MILLS—W. T. Dimick.  
 FARALLONE—F. E. Hamlin.  
 FARMINGTON—Berde M. Alders.  
 FELLOWS—W. J. Hamilton.  
 FERNDALE—Benjamin F. Hillier.  
 FIELDS LANDING—Herbert R. Inskip.

FILLMORE—John A. Galvin.  
 FIREBAUGH—L. H. Stone.  
 FOLSOM—James H. Burnham.  
 FORBESTOWN—A. J. Batt.  
 FOREST HILL—E. A. Garrison.  
 FORESTVILLE—John M. Gwen.  
 FORT BIDWELL—B. F. McCombs.  
 FORT BRAGG—Amos Dennis.  
 FORT JONES—A. Geo. Simas, Jr.  
 FORTUNA—C. A. Eastman.  
 FOWLER—J. R. Gould.  
 FRENCH GULCH—George R. Simmons.  
 FRESNO—C. W. Tackaberry.  
 FRUITVALE—J. C. Holland.  
 FULLERTON—W. D. Cokely.

GALT—J. J. Campbell.  
 GARBERVILLE—T. M. Tobin.  
 GARDENA—O. C. Olds.  
 GARDEN GROVE—J. D. Price.  
 GARVANZA—Jennie M. Gilbert.  
 GAZELLE—Edson L. Foulke.  
 GEORGETOWN—Ernest W. Claessee.  
 GEYSERVILLE—H. E. Black.  
 GILROY—E. R. Green.  
 GLENDALE—Joseph F. Lilly.  
 GONZALES—John C. Lazier.  
 GOSHEN—T. W. Blick.  
 GRAFTON—Ralph E. Webb.  
 GRASS VALEY—E. H. Armstrong.  
 GREENFIELD—A. Curtis Anderson.  
 GREENVILLE—W. W. Hall.  
 GRIDLEY—T. J. Long.  
 GRIMES—J. M. Dixon.  
 GROVELAD—J. C. Ferari.  
 GUADALOUPE—Stephen V. Campadonico.  
 GUERNSEY—Ed Dodd.  
 GUERNEVILLE—I. McGuffin.  
 GUINDA—Edwin W. Smith.  
 GUSTINE—Geo. J. Ames.

HALF MOON BAY—John Pitcher.  
 HAMILTON CITY—P. S. Quigley.  
 HANFORD—B. D. Ainsworth.  
 HAPPY CAMP—G. R. Humphreys.  
 HARDWICK—V. J. Weant.  
 HART—Milton Mundy.  
 HAWES—R. F. Groom.  
 HAWTHORNE—Arthur H. Smithers.  
 HAYFORK—Daisy M. Coumbs.  
 HAYNES—C. S. Thompson.  
 HAYWARDS—J. D. Armstrong.  
 HEALDSBURG—Fred W. McConnell.  
 HENLEYVILLE—Norman Todd.  
 HESPERIA—Lawrence E. Smith.  
 HERMON—J. G. Baird.  
 HERALD—Frank A. Warren.  
 HEMET—Chas. E. Goodhue.  
 HERMOSA BEACH—Edwin B. Smith.  
 HIGHGROVE—W. H. Ryan.  
 HIGHLAND—J. Kienzman.  
 HILLSBOROUGH—John A. Hrey.  
 HILTS—L. E. Hagan.  
 HOLLISTER—Maude Towle.  
 HOLLYWOOD—Ray W. Hussey.  
 HOLT—J. M. Bigger.  
 HOLTVILLE—King L. Kendle.  
 HOPLAND—Will Huntley.  
 HORNBROOK—Raymond J. S. Barry.  
 HONCUT—H. A. Brown.  
 HORNITAS—William Adams.  
 HUENEME—Edwin H. Wood.  
 HUGHSON—William H. Barnes.  
 HUNTINGTON BEACH—W. D. Seely.  
 HUNTINGTON PARK—H. H. Mills.  
 HUTTON—Frank Edwards.  
 HYDEVILLE—R. M. Parsons.

IMPERIAL—Geo. H. P. Shaw.  
 INDEPENDENCE—William B. Hunrod.  
 INDIAN FALLS—Maud G. Goodhue.  
 INDIO—H. E. Gard.  
 INGLEWOOD—W. G. Brown.  
 INYO—J. C. Farrar.  
 IONE—Jacob Surface.  
 IOWA HILL—Everett C. Macy.  
 IRMA—Caroline M. Robertson.  
 IRVINGTON—Thomas J. Power.  
 IRWIN CITY—G. F. Brandon.  
 ISLETON—Paul De Bach.

JACKSON—James J. Wright.  
 JAMESTOWN—A. W. Nash.  
 JENNYLIND—James M. Sinclair.  
 JOHANNESBURG—Lizzie B. Teagle.  
 JOHNSVILLE—Geo. L. Redstreak.  
 JOLON—J. Alonzo Forbes.  
 JULIAN—Edwin W. Parsons.

KAWEAU—Geo. W. Hopping.  
 KELLER—A. T. Smith.  
 KELSEYVILLE—W. E. Hunt.

KELSO—W. L. Ames.  
 KENNETT—Harry Donelly.  
 KENTFIELD—J. E. Lewis.  
 KENWOOD—Elmer W. Kilgore.  
 KERMAN—Julian W. Hudson.  
 KERNVILLE—Charles C. Taylor.  
 KING CITY—John N. Besse.  
 KINGSBURG—F. D. Rosendahl.  
 KINGSBURY—O. E. Peterson.  
 KLAU—Otto Wyss.  
 KNOB—W. W. Markham.  
 KORBEL—H. A. Baldwin.  
  
 LA CANADA—H. E. White.  
 LADOGA—J. A. Lovelady.  
 LA GRANGE—J. A. Hammond.  
 LAGUNA BEACH—Nathan Philbrook.  
 LA HEBRA—F. R. Aldrich.  
 LA JOLLA—John W. Schroeder.  
 LAKEPORT—H. V. Keeling.  
 LAKESIDE—J. H. Burtch.  
 LAMANDA PARK—J. C. Lunprez.  
 LA MESA—S. C. Grable.  
 LA MESA SPRINGS—M. W. McNiel.  
 LANCASTER—George H. Fuller.  
 LANKERSHIM—C. M. Wilcox.  
 LAPORTE—Elizabeth Caya.  
 LARKSPUR—W. H. Mahoney.  
 LATHROP—J. H. Southwell.  
 LATON—D. T. Eisenbray.  
 LAWNDAL—H. D. Moseley.  
 LAWS—J. H. Stoutenborough.  
 LAYTONVILLE—A. L. Smith.  
 LEE—W. H. Lillard.  
 LE GRAND—Bessie Carmean.  
 LEMON COVE—M. L. Moffatt.  
 LEMOORE—Pete Carasco.  
 LENOX STATION—George H. Burton.  
 LEWISTON—Charles Paulsen.  
 LIKELY—J. A. Pierce.  
 LINCOLN—Alfred E. Clark.  
 LINDEN—C. N. Harrison.  
 LINDSAY—J. T. Fuller.  
 LITTLE ROCK—F. K. Barton.  
 LIVERMORE—W. G. Callahan.  
 LIVEOAK—Justus A. Wilkinson.  
 LIVINGSTON—J. L. E. Hitchcock.  
 LLANADA—Stephen H. Langford.  
 LOCKFORD—R. P. Barbour.  
 LODI—J. W. Wagers.  
 LOLETA—W. F. Dixon.  
 LOOKOUT—George R. Walker.  
 LOOMIS—A. S. Martindale.  
 LOMA LINDA—S. S. Merrill.  
 LOMPOC—A. G. Balaam.  
 LONE PINE—J. C. Anton.  
 LONG BEACH—Geo. A. Skinner.  
 LORAIN—A. D. C. McKay.  
 LORDSBURG—Edgar C. Kenyon.  
 LOS ALAMITOS—Alfred W. Jones.  
 LOS ALAMOS—A. Lesser.

LOS ALTOS—E. D. Carothers.  
 LOS ANGELES—Samuel Nixon Coulter.  
 LOS BANOS—Stephen T. Galvin.  
 LOS GATOS—D. H. Milligan.  
 LOS MOLINOS—Clara Randolph.  
 LOWER KLAMATH LAKE—George Edwin Bradnack.  
 LOWER LAKE—Luke Evans.  
 LOYALTON—Henry B. Neville.  
 LUDLOW—E. A. Reinearth.  
  
 MACDORE—Robert S. Green.  
 MACDOEL—W. P. Vetter.  
 MADERA—Robert L. Hargrove.  
 MAGALIA—Levi Kohn.  
 MANTECA—William H. Wall.  
 MANZANAN—Ira L. Hatfield.  
 MARICOPA—F. W. Train.  
 MARIPOSA—B. B. Stolder.  
 MARTINEZ—L. C. Brown.  
 MARYSVILLE—H. A. Niemeyer.  
 MASONIC—J. K. Weitfle.  
 MAXWELL—George L. Harden.  
 MAYFIELD—C. F. Wright.  
 McCLOUD—J. A. Thomas.  
 McFARLAND—Chester E. Lockwood.  
 McKITTRICK—H. B. Phelan.  
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 Watkins, R. G.
- COLMA, San Mateo Co.—**  
 Brown, H. W.
- COLTON, San Bernardino Co.—**  
 Donovan, O. H.  
 Hert, M. O., City Atty.  
 McHargue, Robt.
- COLUSA, Colusa Co.—**  
 Albery, H. M., Judge.  
 Arnold, P. B.  
 Brown, U. W.  
 Goad, J. W.  
 King, Alva A.  
 Maddux, J. W.  
 Millington, S.  
 Ragain, Ben.  
 Rutledge, Thos.  
 Weyand, Ernest.  
 Zumwalt, I. G.
- CORONA, Riverside Co.—**  
 Clayson, Walter S.  
 Freeman, G. R.  
 Kelly, Loyal C.  
 Stahl, H. K.
- CORONADO, San Diego Co.—**  
 Titus, Harry L.
- COVELO, Mendocino Co.—**  
 Rohrbough, Carter W.
- COVINA, Los Angeles Co.—**  
 Pence, A. M.
- CRESCENT CITY, Del Norte Co.—**  
 Childs, J. L., Supr. Judge.  
 Hersch, E. C.  
 Howe, G. W.  
 McNulty, James.  
 Webb, G. A.

DALE, San Bernardino Co.—  
Pierson, T. B.

DEHESA, San Diego Co.—  
Owen, J. M.

DINUBA, Tulare Co.—  
Chase, J. A.  
Edwards & Smith.  
Green, T. E.

DIXON, Solano Co.—  
Marshall, F. F.

DORRIS, Siskiyou Co.—  
Burns, Mark L.

DOWNEY, Los Angeles Co.—  
Ardis, J. H.  
Rives, J. C., Judge Supr. Ct.

DOWNIEVILLE, Sierra Co.—  
Hunt, James F.  
Smith, S. A., Supr. Judge.  
Wehe & Redding.

DUNSMUIR, Siskiyou Co.—  
Garret, W. Ross.

DUTCH FLAT, Placer Co.—  
Sowden, W. F.

EL CENTRO, Imperial Co.—  
Birkhauser, Frank.  
Brown, C. L.  
Carson, Walter W.  
Cole, Franklin J., Supr. Judge.  
Conklin & Brown.  
Cox, W. E.  
Eshelman & Swing.  
Glassford, Jas. W.  
Hawkins, Chas.  
Larew, J. S.  
Noland, D. V.  
Ross, J. S.  
Shaw & Dyke.  
Sprague, Walter H.  
Wilson, W. I.

ESCONDIDO, San Diego Co.—  
Malcolm, J. D.

ETNA MILLS, Siskiyou Co.  
Marx, Martin.

EUREKA, Humboldt Co.—  
Burnell, J. S.  
Burnell, L. M.  
Cairnes, J. J.  
Campbell, E. P.  
Connick, Clifton H., Supr. Judge.  
Coonan & Kehoe.  
Dickson, W. E.  
Ford, H. L.  
Frost, E. M.  
Gregor, Otto C.  
Hadley, W. T. S.  
Hill, A. W.  
Hunter, Geo. W.  
Kennedy, J. L.

## EUREKA, Humboldt Co.—Continued.

Mahan & Mahan.  
Melendy, Jno. M.  
Monroe, A. J.  
Murray, Geo. D., Supr. Judge.  
Newett, K. Jr.  
Puter, L. F.  
Quinn, Irwin O.  
Quinn, J. F.  
Rolley, Geo. F.  
Ryan, Edw. J.  
Ryan, Pierce H.  
Sevier, D.  
Thatcher, A. J.  
Walling, Ernest.  
Way, A. W.  
Weaver & Clybourne.  
Wilson, E. W.

FAIRFIELD, Solano Co.—  
Buckles, A. J., Supr. Judge.  
Devlin, R. Frank.  
Goodell, B. J.  
Goodman, W. U.  
Gregory, T. T. C.  
Harlan, Paul C.  
Hunnewell, R. F.  
McInnis, F. C.  
Raines, Joseph M., Dist. Atty.

FERNDAL, Humboldt Co.—  
Blackburn, A. W.  
Hiller, B. F.

FORT BRAGG, Mendocino Co.—  
Iverson, M. H.  
Peirsol, J. K.

FORT JONES, Siskiyou Co.—  
Wetzel, Jacob P.

FORTUNA, Humboldt Co.—  
Monroe, Harry P.

FOWLER, Fresno Co.—  
Heubner, Francis C.  
Sprouse, J. W.

FRESNO, Fresno Co.—  
Aitken, Irving P.  
Austin, H. Z., Supr. Judge.  
Barnard & Watters.  
Barnhill, Wm. A.  
Bernhard, J. P.  
Bonestell, C. K.  
Brewster, A. L.  
Briggs, Herbert F., Pol. Judge.  
Brown, F. W.  
Burns & Watkins.  
Carter, Royle A.  
Cartwright & Cashin.  
Church, Denver S., Dist. Atty.  
Church, Geo. E., Supr. Judge.  
Conn, W. A.  
Cook, F. E.  
Cory, L. L.

**FRESNO, Fresno Co.—Continued.**

Cosgrave, Geo.  
 Cram, Willard G.  
 Crichton, W. D.  
 Curtin, Frank A.  
 Dearing, Milton M.  
 Drew & Drew.  
 Dyar, Guy Ed.  
 Edwards, E. D.  
 Everts & Ewing.  
 Ferguson, W. E.  
 Fleming, William S.  
 Foote, W. D.  
 Gallagher, James.  
 Gallagher, M. G.  
 Graham, G. B.  
 Harris, E. M.  
 Harris, M. B.  
 Harris, M. K.  
 Hughawont, W. H.  
 Hawson, Hy.  
 Hayden, U. Grant.  
 Hayhurst, L. B.  
 Huebner, Francis C.  
 Ingersoll, Thos. D. I.  
 Johnston & Jones.  
 Kauke, Frank.  
 Kittrell, J. R.  
 Klette, Ernest, City Atty.  
 Laning, Frank.  
 McCormick, M. F., Dep. Dist. Atty.  
 Martin, G. V.  
 Ohonessian & Ohonessian.  
 Reid & Jackaberry.  
 Risley, E. W.  
 Shishmarrian, John A.  
 Short, F. H.  
 Smith, L. H.  
 Snow & Freeman.  
 Sprouse, J. N.  
 Strother & Aynesworth.  
 Sutherland & Barbour.  
 Thompson, W. P.  
 Thomson, T. B.  
 Traber & South.  
 Tupper, H. C.  
 Van Meter & Thedieck.  
 Wallace, Miles.  
 Warlow, Geo. L.  
 Webb, J. R.  
 Welsh, H. H.  
 Williams & Beaumont.  
 Winne, D. T.

**FRUITVALE, Alameda Co.—**  
 Rees, J. W.

**FULLERTON, Orange Co.—**  
 Allen, C. R.  
 McFadden, T. L.  
 Marks, E. J.

**GILROY, Santa Clara Co.—**

Crawford, E. D.  
 Fitzgerald, W. G.

**GLENDALE, Los Angeles Co.—**

Baker, Fredk.  
 Blodgett, Rush M.  
 Dell, Sidney.  
 Goode, R. E.  
 McNutt, P. S.

**GLENDORA, Los Angeles Co.—**

Bidwell, Rolfe B., City Atty.

**GRASS VALLEY, Nevada Co.—**

Dibble, S. T.  
 Hennessy, Jno. T.  
 Jones, G. L., Supr. Judge.  
 Larue, L. P.  
 Mulroy, Jno., J. P.  
 Snell, James.

**GRIDLEY, Butte Co.—**

Corkin, E. J.  
 King, J. R.  
 Long, R. C.

**GUERNEVILLE, Sonoma Co.—**

McGuffin, I.

**HANFORD, Kings Co.—**

Brown, H. P.  
 Cosper, E. T.  
 Covert, J. G., Judge.  
 Cunningham, F., Supr. Ct. Clk.  
 Irwin, J. L. C.  
 Jacob, H. S.  
 Kilpatrick, F. E.  
 McQuiddy, W. B.  
 Miller, R. W.  
 Phillips, D. L.  
 Pryor, J. F.  
 Russell, J. C. C.  
 Short, M. L.

**HAYWARDS, Alameda Co.—**

Lemos, F. I.  
 Murphy, T. M.

**HEALDSBURG, Sonoma Co.—**

Coffman, J. T.  
 McConnell, F. W.  
 Norton, E. M.  
 Rose, J. W.

**HEMET, Riverside Co.—**

Clayton, J. M.  
 Dukes, H. S.  
 Moody, C. R.

**HENLEY, Siakiyou Co.—**

Barry, Raymond.

**HOLLISTER, San Benito Co.—**

Agnew, Gilmore.  
 Bishop, R. P.  
 Briggs, N. C.



- HOLLISTER, San Benito Co.—Continued.  
 Dooling, M. T., Supr. Judge.  
 Hudner, John L.  
 Jean & Moore.  
 O'Donnell, Thos. E.  
 Scott, H. W.  
 Shaw, A. D.
- HOLLYWOOD, Los Angeles Co.—  
 Helms, W. T.  
 Herndon, W. F.  
 Merrill, A. E.  
 Moraman, W. W.  
 Patterson, A. T.  
 Winterer, E.
- HOLTVILLE, Imperial Co.—  
 Griffin, James W.  
 Hunter, E. E.  
 Johnson, Edwin L.
- HUGHSON, Stanislaus Co.—  
 Wickizer & Wickizer.
- HUNTINGTON BEACH, Orange Co.—  
 Wettlin, David G.
- IMPERIAL, Imperial Co.—  
 Brewer, H. W.  
 Dyke, H. N.  
 Farr, R. C.  
 McPherin & Nichols.  
 Shaw, G. H. P.
- INDEPENDENCE, Inyo Co.—  
 Clark, Wm. J.  
 Dehy, W., Judge Supr. Ct.  
 Lamar, W. A.  
 Scherer, Frank C.  
 Wandell, Ben. H.  
 Forbes, P. W.
- INGLEWOOD, Los Angeles Co.—  
 Bloodgood, F. H.  
 Ellis, L. B.
- INYO, Inyo Co.—  
 Hays, Chas. L.
- IRVINGTON, Alameda Co.—  
 Mattos, J. G. Jr.  
 Poxvey, Thos. J.
- JACKSON, Amador Co.—  
 Bole, R. C.  
 Caldwell, J. W.  
 Caminetti, A.  
 Huberty, J. R., Co. Clk.  
 McGee, W. J.  
 Rose, W. L.  
 Snyder, W. G., Dist. Atty.  
 Spagnoli, D. B.  
 Spagnoli, Ernest D.  
 Vincini, C. P.
- JAMESTOWN, Tuolumne Co.—  
 Peters, C. M. C.
- KELSEYVILLE, Lake Co.—  
 Hunt, W. E.
- KENNETT, Shasta Co.—  
 Donnelly, Harry.
- LA JOLLA, San Diego Co.—  
 Mills, A. P.
- LAKEPORT, Lake Co.—  
 Churchill, H. B.  
 Crawford, C. M., Dist. Atty.  
 Crawford, W.  
 Keeling, H. V.  
 McIntire & Jourdain.  
 Sayre, M. S., Supr. Judge.  
 Witherspoon, H. E.  
 Rigby, W.
- LA MESA, San Diego Co.—  
 Stewart, N. A.  
 Welch, Lester D.
- LANCASTER, Los Angeles Co.—  
 Alston, L. C.
- LEMOORE, Kings Co.—  
 Erlanger, Edw.  
 Shore, G. E.  
 Walker, F. J.
- LINDSAY, Tulare Co.—  
 Conner, D. M.  
 Fuller, J. T.
- LIVERMORE, Alameda Co.—  
 Clarke & Clarke.  
 Wood, Carl F.
- LODI, San Joaquin Co.—  
 Ferdun, W. E.  
 Percival, O. E. J.  
 Steele, G. M.
- LOMPOC, Santa Barbara Co.—  
 Bayley, B. F.  
 Frick, J. F.  
 Hardenbrook, C. Kelly.  
 Meals, G. W.
- LONE PINE, Inyo Co.—  
 Chilstrom, P. O.
- LONG BEACH, Los Angeles Co.—  
 Bachman, G. L.  
 Barker, S. G.  
 Clock & Harriman.  
 Cox, H. L.  
 Daly, James.  
 Daly, J. E.  
 Denio & Hart.  
 Downs, W. F.  
 Haskell, Herbert M.  
 Jones, Chas. D.  
 Julian, W. B.  
 Kapp, G. W.  
 Knight, F. A.  
 Lawson, A. C.  
 Long, Hight & Hoodenpyl.

## LONG BEACH, Los Angeles Co.—Continued.

Roberts, James J.  
 Skinner, Geo. A.  
 Snodgrass, R. L.  
 Spicer, Geo. M.  
 Underwood, Homer S.  
 Whealton, L. R.

## LOS ANGELES, Los Angeles Co.—

Abbott, A. J., 358 So. Spring St.  
 Abbott, W. G., Temple Bldg.  
 Ackerman, C. M., Bullard Blk.  
 Adair, J. A., Amer. Bk. Bldg.  
 Adams, D. M., Pacific Elec. Bldg.  
 Adams, E. G., Copp Bldg.  
 Adams, Frank S., Story Bldg.  
 Adams, Geo. W., Central Bldg.  
 Adams, Geo. P., Bullard.  
 Adams, Adams & Binford.  
 Adank, E. G., Capp Bldg.  
 Adcock, Edw. G., Capp Bldg.  
 Adcock, Robt. J., Bullard Bldg.  
 Adler, Max, Wilson Bldg.  
 Albee, Merton, Central Bldg.  
 Alderson, Wm. A., Mchts. Tr. Bldg.  
 Allen, Alfred W., Union Oil Bldg.  
 Allen, Carroll, Title Ins. Bldg.  
 Allen, E. Lee, 315 So. Hill St.  
 Allen, M. T., Appl. Ct. Judge.  
 Allen, W. S., Title Ins. Bldg.  
 Allen & Brown, Exchange Bldg.  
 Allender, F. W., Hellman Blk.  
 Alm, A. G., Higgins Bldg.  
 Amend & Amend, Story Bldg.  
 Anderson, Louis A.  
 Anderson & Anderson, Stimson Bldg.  
 Andrews, Lewis W., Union Oil Bldg.  
 Andrews, W., California Bldg.  
 Angell, H. J., Security Bldg.  
 Angier, Iva J., Mer. Tr. Bldg.  
 Appel, H. H., Bullard Blk.  
 Archbald, H. R., Citizens' Bk. Bldg.  
 Archer, A. T., H. W. Hellman Bldg.  
 Archer, R. T., Security Bldg.  
 Archer, T. R., Mason Bldg.  
 Ardis, J. H., Bullard Bldg.  
 Armstrong, M. M., 122 W. 3d St.  
 Arnold & Heatherby, Higgins Bldg.  
 Arnoldy, Fred N., Title Ins. Bldg.  
 Arnoldy & Rosecrans, Title Ins. Bldg.  
 Ashburn, A. W. Jr., Pacific Elec. Bldg.  
 Atherholt, A. H., Capp Bldg.  
 Atkinson, Chas., International Bk. Bldg.  
 Austin, F. C., Bullard Bldg.  
 Avery, Russ, Laughlin Bldg.

## LOS ANGELES, Los Angeles Co.—Continued.

A. T. Santa Fe Legal Dept., Kerckhoff Bldg.  
 Avery & French, Suite 632, Laughlin Bldg.  
 Bacon, E. E., 207 New High St.  
 Bagley, C. L., Exchange Bldg.  
 Bailie, Norman A., Title Ins. Bldg.  
 Bainbridge, C. R., Amer. Bk. Bldg.  
 Baird & Gerecht, Fay Bldg.  
 Baker, Arthur G., Higgins Bldg.  
 Baker, Fred., International Bk. Bldg.  
 Baker, Ivan C., Laughlin Bldg.  
 Ball, Thomas, Amer. Bk. Bldg.  
 Ballard, J. W., Douglas Bldg.  
 Balmer, Benjamin, 405 So. Hill St.  
 Bandini, Ralph, Title Ins. Bldg.  
 Bank, Chas. A., Title Ins. Bldg.  
 Banks, G. E., 1423 Carroll Ave.  
 Barber, E. T. Jr., Tajo Bldg.  
 Barclay, H. A., Frost Bldg.  
 Barker, Donald, Title Ins. Bldg.  
 Barnes, E. M., Thorpe Bldg.  
 Barnett, LeRoy D., Mchts. Tr. Bldg.  
 Barnum, O. S., Byrne Bldg.  
 Barr, Levi D., Capp Bldg.  
 Barry, Edmund D., Tr. & Sav. Bk. Bldg.  
 Barstow, Alfred, H. W. Hellman.  
 Barstow, H. M., Mchts. Tr. Bldg.  
 Bartlett, Alfred L., Cham. of Com. Bldg.  
 Bassett, Wilbur, Title Ins. Bldg.  
 Batchelder, Chas. L., Security Bldg.  
 Batzer, F. J., Broadway & Franklin St.  
 Beach, S. E., California Bldg.  
 Beach, W. H., Title Ins. Bldg.  
 Beach & Petchner, Title Ins. Bldg.  
 Beardsley, John, Title Ins. Bldg.  
 Bearman, Wm. W., California Bldg.  
 Bechtel, N. B.  
 Becker, Tracy C., H. W. Hellman Bldg.  
 Beckett, Jas. R.  
 Beckham, G. F., Bullard Bldg.  
 Beebe, George B., Douglas Bldg.  
 Beecher, Daniel, Equitable Bk. Bldg.  
 Behymer, Craig & Geoffrion, Bryson Bldg.  
 Bell, Jas. W., Asst. Co. Pros. Atty.  
 Benedict, H. Stanley, 353 So. Hill St.  
 Bennett, Jas. S., Hibernian Bldg.  
 Benoist, Charles, Pac. Elec. Bldg.  
 Benson, P. F., Severance Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Bentley, Ed. H.  
 Bentley, G. W., Title Ins. & Tr. Bldg.  
 Berkebile, Thos. A., Higgins Bldg.  
 Bernhart, A. M.  
 Berry, E. D.  
 Bicksler, W. Scott, Title Ins. Bldg.  
 Bicksler, Bennett, Dana & Blount, Title Ins. Bldg.  
 Bilby, John E., Coulter Bldg.  
 Binford, F. L., Lankershim Bldg.  
 Binford, Lewis B., Central Bldg.  
 Birchby, H. B.  
 Bishop, Edw. T., Coulter Bldg.  
 Bishop, J. E.  
 Bittner, John H.  
 Blackstock, N., Title Ins. Bldg.  
 Blair, F. W., Dep. Dist. Atty.  
 Blair, I. D., 129 No. Main St.  
 Blakely, W. T., Henne Bldg.  
 Blakeslee, R. L., Mason Opera Bldg.  
 Blanchard, J. H., Temple Bldg.  
 Bloodget & Watkins, Stimson Bldg.  
 Blumberg, David, San Fernando Bldg.  
 Blythe, Minor L., Title Ins. Bldg.  
 Boden, George A., California Bldg.  
 Boland, W. P., Higgins Bldg.  
 Bole, U. H.  
 Borden, Frank L., Ferguson Bldg.  
 Borden, Sheldon, Stimson Bldg.  
 Bordner, R. O., Tr. Bldg.  
 Bordwell, Walter, Supm. Judge.  
 Bowen, Wm. A., Title Ins. Bldg.  
 Bowen, W. M., Coulter Bldg.  
 Bower, E. C., Hibernian Bldg.  
 Bower, E. C., Jr., Hibernian Bldg.  
 Bower, Leland S., Hibernian Bldg.  
 Bowers, Walter L., Story Bldg.  
 Bowman, D. E., Mason Bldg.  
 Bowring & Hill, California Bldg.  
 Boyer & Beach, California Bldg.  
 Boys, John E., California Bldg.  
 Bradner, B. J., Security Bldg.  
 Brady, E. L., Stimson Bldg.  
 Brady, J. L., Stimson Bldg.  
 Breckenridge, John H., H. W. Hellman.  
 Breeze, C. Dean, Hibernian Bldg.  
 Bretherton, C. H., H. W. Hellman Bldg.  
 Bridges, H. F., Cham. of Com. Bldg.  
 Britt, E. W., Title Ins. Bldg.  
 Brooks, Luke B., Central Bldg.  
 Brown, Edw. J., Bullard Bldg.  
 Brown, Edgar K., Consolidated Realty Bldg.  
 Brown, Henry, Exchange Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Brown, Lewis H., Citizens' Bk. Bldg.  
 Brown, Luther G., California Bldg.  
 Brown, Nat., Pac. Elec. Bldg.  
 Brown, J. F.  
 Bruster, F. M., Title Ins. Bldg.  
 Bull, I. W., Central Bldg.  
 Bulla, R. N., H. W. Hellman Bldg.  
 Buren, Frank, 129½ W. 1st St.  
 Burke, Edmund B., Tr. & Sav. Bldg.  
 Burke, W. M.  
 Burnell, C. S., Coulter Bldg.  
 Burnett, F. W., Citizens' Nat. Bk. Bldg.  
 Burr, C. R., Cal. Bldg.  
 Burnham, J. E., Bullard Bldg.  
 Burrey, D. C., Bryson Bldg.  
 Burris, J. T., Ret.  
 Bush, George B., H. W. Hellman Bldg.  
 Bush, Samuel T., Pac. Elec. Bldg.  
 Buswell, George W.  
 Butler, W. W., Amer. Bk. Bldg.  
 Butterfield, H. K.  
 Byrer, C. W., Higgins Bldg.  
 Byrer & Monyeleone.  
 Caldwell, A. A., Stimson Bldg.  
 Call, J. H., Mchts. Tr. Bldg.  
 Callahan, Jos. W., Higgins Bldg.  
 Camp, E. A., Kerckhoff Bldg.  
 Campbell, Bert, Title Ins. Bldg.  
 Campbell, K. B., California Bldg.  
 Campbell, Thompson & Campbell.  
 Campbell & Moore, 920½ Security Bldg.  
 Cannon, L. D., Higgins Bldg.  
 Cardwell, L. L., 238 W. 1st St.  
 Carpenter, Ingle, California Bldg.  
 Carpenter, Samuel L., H. W. Hellman Bldg.  
 Carrick, E. V., Bullard Bldg.  
 Carrigan, J. W., Thorpe Bldg.  
 Carson, John E., 511-519, Wilcox Bldg.  
 Carter, Dan F., Douglas Bldg.  
 Carter, O. B., Equitable Bk. Bldg.  
 Carter, Kirby & Henderson, Equitable Bk. Bldg.  
 Case, Thomas K., Mchts. Tr. Bldg.  
 Casebeer, A. J., H. W. Hellman Bldg.  
 Cass, Phil., Story Bldg.  
 Caswell, C. C.  
 Cates, A. M., Bradbury Bldg.  
 Cattern, F. A., Mason Opera Bldg.  
 Ceruti, E. Burton, 500 Thorpe Bldg.

LOS ANGELES, Los Angeles Co.—  
Continué.

Chamberlain, Harry A., Security Bldg.  
 Chambers, Wm., Wilcox Bldg.  
 Chambers & Davis, Wilcox Bldg.  
 Chandler, Chas. L., Exchange Bldg.  
 Chandler, J. Paul, Title Ins. Bldg.  
 Chapman, L. M., Coulter Bldg.  
 Chapman, Ward, Coulter Bldg.  
 Chase, Chas. W., 403 Wright Bldg.  
 Chase, L. K., Title Ins. Bldg.  
 Chase & Campbell, Title Ins. Bldg.  
 Chase, Overton & Lyman, Wright & Callender Bldg.  
 Chase, Ralph A., Security Bldg.  
 Chavez, E. V., Lankershim Bldg.  
 Chellis, Burt, Higgins Bldg.  
 Cheney, H. D., Central Bldg.  
 Cheney, W. A., 645 So. Hill St.  
 Cheroske, S. L., Douglas Bldg.  
 Chesbro, Ray L., Bryson Bldg.  
 Choate, Jas. Roy, Exchange Bldg.  
 Choate, F. M. C., City Jail Bldg.  
 Clairborne, Len, Wilson Bldg.  
 Clapp, R. W., Exchange Bldg.  
 Clark, James P., Grant Bldg.  
 Clark, Oliver O., H. W. Hellman Bldg.  
 Clark, W., Los Angeles Title, Tr. & Ins. Bldg.  
 Clarke, George, Higgins Bldg.  
 Clarke, Lucien J., Security Bldg.  
 Clarke, Willard, 207 New High St.  
 Clawson, L. E., Exchange Bldg.  
 Clewett, Howard S., Grant Bldg.  
 Clotfelter, U., Kerckhoff Bldg.  
 Cobb, V. J., Ferguson Bldg.  
 Coberly, J. E., California Bldg.  
 Cochran, J. W., Higgins Bldg.  
 Coil, E. B., Title Ins. Bldg.  
 Cole & Cole, Lankershim Bldg.  
 Coleman, Wm., Higgins Bldg.  
 Collier, Frank C., H. W. Hellman Bldg.  
 Collier & Clark, 811 H. W. Hellman Bldg.  
 Collins, H. O., San Fernando Bldg.  
 Collins, Wallace, Cham. of Com. Bldg.  
 Congdon, R. P., Central Bldg.  
 Conrey, N. P., Supm. Judge.  
 Cook, G. P., Delta Bldg.  
 Copp, A. J. Jr., Capp Bldg.  
 Coverly, John, Title Ins. & Tr. Bldg.  
 Coyne, D. Joseph, Laughlin Bldg.  
 Coyne & Coyne, Laughlin Bldg.  
 Craig, C. Elliott, Bryson Bldg.  
 Craig, Gavin W., Supr. Judge.  
 Craig, J. C., Bullard Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Craig, Volney H., Union Oil Bldg.  
 Craigh, William T., 731 Higgins Bldg.  
 Crandall, Earl E., Amer. Bk. Bldg.  
 Crawford, Clarence H., Story Bldg.  
 Crawford, U. J., Byrne Bldg.  
 Crawford, Samuel J., International Bk. Bldg.  
 Crawford, Wm., Bullard Bldg.  
 Crawford, W. K., Ferguson Bldg.  
 Creed, J. W., Douglas Bldg.  
 Creighton, Telfair, Grosse Bldg.  
 Crenshaw, Lorenzo, H. W. Hellman Bldg.  
 Crouch & Crouch, Laughlin Bldg.  
 Crowe, Frank A., Mehta. Tr. Bldg.  
 Cruickshank, Lewis, Ferguson Bldg.  
 Crump, Guy R., Title Ins. Bldg.  
 Crutchen, Albert, 718 Pac. EL Bldg.  
 Cryer, G. E., Merchants Trust Bldg.  
 Cryer, Geo. W., Asst. U. S. Dist. Atty.  
 Culver, C. F., Union League Bldg.  
 Culver, Richard J., Stimson Bldg.  
 Culver & Allen, H. W. Hellman Bldg.  
 Danziger, J. M., Security Bldg.  
 Darden, C. S. (colored), Bryson Bldg.  
 Darlington, Barton, Wilcox Bldg.  
 Davidson, J. M., Mason Opera Bldg.  
 Davies, W. H., Citizens' Natl. Bk. Bldg.  
 Davis, A. E., 326 W. 3d St.  
 Davis, Charles C., Wilcox Bldg.  
 Davis, Charles S., Ferguson Bldg.  
 Davis, F. E., Higgins Bldg.  
 Davis, Geo. R., Security Bldg.  
 Davis, Judson M., Grant Bldg.  
 Davis, W. J., Bullard Bldg.  
 Davis, Webster, Frost Bldg.  
 Davis, Kemp & Post, Grant Bldg.  
 Davis & Rush, 600 Bryson Bldg.  
 Day, Wm. C., Byrne Bldg.  
 Dean, Harry E., Title Ins. Bldg.  
 De Garmo, G. Curtis, Title Ins. Bldg.  
 De La Matyr, T. E., Byrne Bldg.  
 De La Monte, J. H. Higgins Bldg.  
 Deering, H. L., Exchange Bldg.  
 Dehm, Wm. H., California Bldg.  
 Delvan, G. E. Jr., German Bldg.  
 Delmas & McPike, Tr. & Sav. Bldg.  
 Del Vale, R. F., Lankershim Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Denis & Lowenthal, Wilcox Bldg.  
 Dennis, A. E., Fay Bldg.  
 Dennison, Edw.  
 Dennison, John, Higgins Bldg.  
 Desmond, Walter J., Consolidated  
 Realty Bldg.  
 Dexter & Ellis, 404 Grosse Bldg.  
 Dillon, Henry C., International  
 Bk. Bldg.  
 Dillon, Jas. D., H. W. Hellman  
 Bldg.  
 Dillon, Richard J., Douglas Bldg.  
 Dockweiler, Isidore B., Douglas  
 Bldg.  
 Dodge, W. W., Hall of Records.  
 Dodson, P. F., California Bldg.  
 Doherty, Frank B., California  
 Bldg.  
 Dominguez, F. E., California Bldg.  
 Donley, C. C.  
 Donnell, B., Citizens' Natl. Bk.  
 Bldg.  
 Donnell, Homer, Citizens' Natl.  
 Bk. Bldg.  
 Donnell, J. A., Title Ins. Co. Bldg.  
 Dougherty, P. B., California Bldg.  
 Downing, G. E., Wilcox Bldg.  
 Downing, Jos. Oscar, H. W. Hell-  
 man Bldg.  
 Doyle, W. P., Title Ins. Bldg.  
 Drake, E. B., Title Ins. Bldg.  
 Dryer, Geo. W., Amer. Bk. Bldg.  
 Duffy, Sidney F., H. W. Hellman  
 Bldg.  
 Dufur, J. F.  
 Duggan & Wisdom, Cham. of  
 Com. Bldg.  
 Duncan, Boaz, Wilcox Bldg.  
 Duncan, H. B., Higgins Bldg.  
 Duncan, H. W., International Bk.  
 Bldg.  
 Duncan, W. W.  
 Dunlap, F. E., Cham. of Com.  
 Bldg.  
 Dunlea, J. M., 2026 Fifth Ave.  
 Dunnigan, H. L., Coulter Bldg.  
 Dunnigan, R. A., Exchange Bldg.  
 Dyer, Trusten P., Higgins Bldg.  
 Dysert, Walter V., Homer Laugh-  
 lin Bldg.  
 Earle & McLaughlin, Delta Bldg.  
 Eckman, Arthur W., California  
 Bldg.  
 Eckman & Hill, Higgins Bldg.  
 Eddie, G. W., 326 W. 1st St.  
 Edgerton, Calvin, 334 No. Boyle  
 Ave.

LOS ANGELES, Los Angeles Co.—  
Continued.

Edmonds, Douglas L., Laughlin  
 Bldg.  
 Edwards, A. J., Douglas Bldg.  
 Edwards, Le Roy M., H. W. Hell-  
 man Bldg.  
 Ellis, A. M., Coulter Bldg.  
 Ely, Glen M., Tr. & Sav. Bldg.  
 Emberson, A. L., International  
 Bk. Bldg.  
 Enns, C. M., Higgins Bldg.  
 Ensign, E. J., H. W. Hellman  
 Bldg.  
 Enyeart & Holton, California  
 Bldg.  
 Esrey, D. R.  
 Evans, Charles L., California  
 Bldg.  
 Evans, David, Douglas Bldg.  
 Evans, W. E., H. W. Hellman  
 Bldg.  
 Eyer, C. B., 342 Consolidated  
 Realty.  
 Fairall, R. C., Citizens' Natl. Bk.  
 Bldg.  
 Fairbanks, F. C., Exchange Bldg.  
 Fall, L. M., Frost Bldg.  
 Farmer, E. L., Title Ins. & Tr. Co.  
 Bldg.  
 Farrow, W. W., Wilcox Bldg.  
 Fellows, F. W., Exchange Bldg.  
 Ferguson, M. M., Exchange Bldg.  
 Ferguson, P., Douglas Bldg.  
 Fette, Fred, International Bk.  
 Bldg.  
 Finch, J. C., Title Ins. Bldg.  
 Finkenstein, M. J., Mchts. Tr.  
 Bldg.  
 Finlayson, F. G., Supr. Judge.  
 Fish, Howard J., H. W. Hellman  
 Bldg.  
 Fisher, W. W., H. W. Hellman  
 Bldg.  
 Fiske, Jerome, California Bldg.  
 Fitz Gerald & Barry, Tr. & Sav.  
 Bldg.  
 Fleming, A. P. Central Bldg.  
 Fleming, E. J., H. W. Hellman  
 Bldg.  
 Fleming, J. L., Frost Bldg.  
 Fleming, M. A., Fay Bldg.  
 Flint, Frank P., Title Ins. Bldg.  
 Flint, Gray & Parker, 1020 Title  
 Ins. Bldg.  
 Flores, A. J., Delta Bldg.  
 Foley, John H., Stimson Bldg.  
 Foltz, Clara S., Mchts. Tr. Bldg.  
 Forbes, Frank S., J. P., Court  
 House.

LOS ANGELES, Los Angeles Co.—  
Continued.

Ford, W. F., Story Bldg.  
 Ford, Wm. J., Dep. Dist. Atty.,  
 Hall of Records.  
 Forgy, E. W., California Bldg.  
 Foster, A. H., Cham. of Com. Bldg.  
 Fowler, F. M., Citizens' Natl. Bk.  
 Bldg.  
 Fraiser, M. P., Title Ins. Bldg.  
 Frederick, C. L., Douglas Bldg.  
 Fredericks, J. D., Dist. Atty. Hall  
 of Records.  
 Frederickson, Wm., Pol. Judge.  
 Freeman, E. W., Laughlin Bldg.  
 Freeman, Wm., Equitable Bk.  
 Bldg.  
 Freeman, Wm. A., Stimson Bldg.  
 French, B. H. A., Bullard Bldg.  
 French, Samuel H., Laughlin Bldg.  
 Frisbie, R. D., Story Bldg.  
 Fuller, W. H., Douglas Bldg.  
 Fulton, Robert M., Tr. & Sav.  
 Bldg.  
 Fulwider & Monteleone, Security  
 Bldg.

Gage, Henry T., Mason Bldg.  
 Gage, Robert P., Security Bldg.  
 Gage & Foley, Mason Opera Bldg.  
 Galbreth, E. E., Douglas Bldg.  
 Galbreth & Gardner, Douglas  
 Bldg.  
 Galoway, A. C., Equitable Bldg.  
 Galusha, E. G., Hibernian Bldg.  
 Gardner, D. Z., 332 Stimson  
 Bldg.  
 Gardner, E. E., Douglas Bldg.  
 Gardner, D. G., Stimson Bldg.  
 Gardner, D. R., 326 W. 1st.  
 Garrett & Garrett, Mason Opera  
 Bldg.  
 Gates, F. C., Title Ins. & Tr. Bldg.  
 Geibel, Martin E., Central Bldg.  
 Geoffrion, Oscar, Equitable Bk.  
 Bldg.  
 Geoffrion, V. O., Bryson Bldg.  
 Gerecht, E. F., Fay Bldg.  
 Gibbon, T. E., Hibernian Bldg.  
 Gibbs, T. O.  
 Gibson, J. A., Jr., Pac. Elec. Bldg.  
 Gibson, Dunn & Crutcher, Pac.  
 Elec. Bldg.  
 Giesler, H. L., California Bldg.  
 Glassell, Hugh, Wilcox Bldg.  
 Goldberg, David, Exchange Bldg.  
 Goldberg & Meily, Exchange Bldg.  
 Goldflam, A. S., Exchange Bldg.  
 Goode, R. R., Title Ins. & Tr.  
 Bldg.  
 Gooden, James.

LOS ANGELES, Los Angeles Co.—  
Continued.

Gooding, H. C., 201 So. Bway.  
 Goodrich, Ben., Wilcox Bldg.  
 Goodspeed, Richard C., 1026 Story  
 Bldg.  
 Goodwin, Henry P., Fay Bldg.  
 Gordon & Gordon, Wilcox Bldg.  
 Gortner, R. C., Pac. Elec. Bldg.  
 Gosling, J. H., Wilcox Bldg.  
 Goudge, H. J., Exchange Bldg.  
 Gould, Will D., Temple Bk.  
 Graff, M. L., Title Ins. Bldg.  
 Graham, J. L., Wilcox Bldg.  
 Graham, R. F., Dep. Dist. Atty.,  
 Hall of Records.  
 Grassman, M. L., 626 San Fer-  
 nando Bldg.  
 Gray, Lucien, Consolidated Realty  
 Bldg., 607 So. Hill St.  
 Gray, S. A. D., Cham. of Com.  
 Bldg.  
 Gray, W. A., Title Ins. Bldg.  
 Green, A. J., 223 W. 2d St.  
 Green, L. P., Wilcox Bldg.  
 Groene, J. F., Equitable Bldg.  
 Groff & Spangler, Tr. & Sav. Bldg.  
 Gros, Frederic, H. W. Hellman  
 Bldg.  
 Guthrie, E. M., Coulter Bldg.  
  
 Haas, John B., Mechts. Tr. Bldg.  
 Hass & Dunnigan, Coulter Bldg.  
 Hackley, Geo. T., Mechts. Tr.  
 Bldg.  
 Hahn & Hahn, Central Bldg.  
 Halstead, A. S., Pac. Elec. Bldg.  
 Hammack & Hammack, Amer. Bk.  
 Bldg.  
 Hammon, Percy V., Dep. Dist.  
 Atty., Hall of Records.  
 Hanby, J. W., Cham. of Com. Bldg.  
 Hancock & Finch, Bullard Bldg.  
 Hanlon, W. J., Amer. Bk. Bldg.  
 Hanna, B. C., Exchange Bldg.  
 Hannon, J. E., Wilcox Bldg.  
 Hannon, J. Vincent, Tr. & Sav.  
 Bldg.  
 Hannon & Gibbs, Tr. & Sav. Bldg.  
 Hanson, Hackler & Heath, H. W.  
 Hellman Bldg.  
 Hardesty, Elmer, Higgins Bldg.  
 Hardy, Carlos S., Suites 228-232  
 Exchange Bldg., 3d and Hill Sts.  
 Harker, G. M., Byrne Bldg.  
 Harpham, Geo. E., Pac. Elec.  
 Bldg.  
 Harriman, Job, Higgins Bldg.  
 Harriman, Rickman & Tuttle, Hig-  
 gins Bldg.  
 Harris, Bret, H. W. Hellman Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Harris, I. Henry, Title Ins. Bldg.  
 Harris, P. Henry, Title Ins. Bldg.  
 Harris, Rusk, 704 Am. Bk. Bldg.  
 Harris & Swanwick, Amer. Bk. Bldg.  
 Hart, A. C., Amer. Bk. Bldg.  
 Hart, F. W., Stimson Bldg.  
 Hart, Thos. W., Equitable Bk. Bldg.  
 Hartley, C. C., Bullard Bldg.  
 Haskins, S. M., Pac. Elec. Bldg.  
 Hatch, F. O., Douglas Bldg.  
 Hatton, C. W., Equitable Bldg.  
 Hawkins, E. A., Title Ins. Bldg.  
 Hawley, J. O., 201 W. Temple St.  
 Hayek, D. F. J., Lankershim Bldg.  
 Hazard & Straus, Citizens' Natl. Bk. Bldg.  
 Hazlett, Wm., Tr. & Sav. Bldg.  
 Heath, H. H., San Fernando Bldg.  
 Heath, J. E. S., H. W. Hellman Bldg.  
 Heatherly, Fred W., Higgins Bldg.  
 Heffelfinger, R. W., California Bldg.  
 Heinan, J. H., Tr. & Sav. Bldg.  
 Helm, Lynn, Title Ins. Bldg.  
 Helms, W. T., Hall of Records.  
 Henderson, F. G., So. Hill St.  
 Henderson, Justin, Higgins Bldg.  
 Hentig, F. G., City Natl. Bk. Bldg.  
 Herald, Frank, Mchts. Tr. Bldg.  
 Herndon, W. F., Frost Bldg.  
 Hervey, W. R., Tr. & Sav. Bldg.  
 Hester, Merrill & Craig, Bullard Bldg.  
 Hester, M. C., Lankershim Bldg.  
 Hewitt, L. R., Mchts. Tr. Bldg.  
 Hewlett, E. E., Tr. & Sav. Bldg.  
 Hiatt & Selby, Central Bldg.  
 Hickcox & Crenshaw, H. W. Hellman Bldg.  
 Hill, F. C., Union Oil Bldg.  
 Hill, John J. Jr., 318 Central Bldg.  
 Hinckley, A. G., Hellman Bldg.  
 Hitchcock, Alonzo D., Wilcox Bldg.  
 Hittson, W. J., Bryson Bldg.  
 Hogan, James P., Henne Bldg.  
 Holcomb, W. H., California Bldg.  
 Holcomb & Kempley, California Bldg.  
 Holland, C. F., Bullard Bldg.  
 Holley & Holley, Capp Bldg.  
 Hollzer, H. A., Citizens' Natl. Bk. Bldg.  
 Holston, A. R., Douglas Bldg.  
 Holton, Geo. M., Capp Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Honberger, Paul, Laughlin Bldg.  
 Hood, Randall, J., Title Ins. Bldg.  
 Hope, Edw. W., Hibernian Bldg.  
 Hopkins, Meville P., Title Ins. Bldg.  
 Horcasitas, Antonio, Lankershim Bldg.  
 Horgan, Walter J., Henne Bldg.  
 Horn, Oscar L., Mchts. Tr. Bldg.  
 Horton, G. R., Asst. Dist. Atty., Hall of Records.  
 Horton, R. L., Henne Bldg.  
 Himrod & Heffelfinger, 810 Cal. Bld.  
 Houghton, C. D., Mchts. Tr. Bldg.  
 Houser, Fred W., Supm. Judge, Ct. House.  
 Houser, S. W. (Mrs.), 229 No. Griffin Ave.  
 Howard, Ray, Lissner Bldg.  
 Howland, Chas. T., Title Ins. Bldg.  
 Howland, Geo. D., Wilcox Bldg.  
 Hoyt, Frank C., International Bk. Bldg.  
 Hubbard, R. L., I. W. Hellman Bldg.  
 Huey & Grossman, Higgins Bldg.  
 Hughes, Arthur J., International Bk. Bldg.  
 Hughes, Edgar F., Exchange Bldg.  
 Hulme, T. K., California Bldg.  
 Hunsacker, Daniel M., Title Ins. Bldg.  
 Hunsacker & Britt, Title Ins. Bldg.  
 Huntsberger, Glen E., Story Bldg.  
 Huntsberger, I. M., Title Ins. Bldg.  
 Huntsberger, J. W., Higgins Bldg.  
 Hupp, Geo. S., Union Oil Bldg.  
 Hurd, Henry M., 1200 W. 6th St.  
 Hurt, Arthur C., Mchts. Tr. Bldg.  
 Husar, Leonard G., Higgins Bldg.  
 Hutton, Frank S., Coulter Bldg.  
 Hutton, Geo. H., Supr. Judge, Hall of Justice.  
 Hutton & Williams, Temple Bldg.  
 Hyatt, W. P., Story Bldg.  
 Hyter, Sydney J., Amer. Bk. Bldg.  
 Iasigi & McGonigle, Byrne Bldg.  
 Ingalese, Richard, H. W. Hellman Bldg.  
 Irwin, James, Equitable Sav. Bk. Bldg.  
 Ives, Eugene F., Pac. Elec. Bldg.  
 Jackson, Geo. E.  
 Jackson, Grant, Security Bldg.  
 Jacobs, D. A., Mason Opera House Bldg.  
 James, W. P., Appl. Judge, Douglas Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

James, Smith & McCarthy, 529 Douglas Bldg.  
 Jamieson, A. R.  
 Jamison, C. D.  
 Jamison, W. H., H. W. Hellman Bldg.  
 Janes, E. S., Frost Bldg.  
 Janeway, G. Harold, Title Ins. Bldg.  
 Jantzen, M. F., 7th and So. Hill.  
 Jarrott, James S., Columbia Tr. Co. Bldg.  
 Jarrott, Wm. L., Homer Laughlin Bldg.  
 Jenal, F. P., Amer. Bk. Bldg.  
 Jennings, W. H., Wilcox Bldg.  
 Jennings & Horton, Douglas Bldg.  
 Jensen, Constan, Tr. & Sav. Bldg.  
 Job, T. C., H. W. Hellman Bldg.  
 Johnson, Cedric E., Union Oil Bldg.  
 Johnston, T. L., International Bk. Bldg.  
 Jones, B. H.  
 Jones, G. R., Hibernian Bldg.  
 Jones, John T., Union League Bldg.  
 Jones, Johnstone, Mason Opera House Bldg.  
 Jones, M. B., H. W. Hellman Bldg.  
 Jones, Newman, Bullard Bldg.  
 Jones & Bennett, Hibernian Bldg.  
 Jones & Evans, H. W. Hellman Bldg.  
 Jones & Weller, Union League Bldg.  
 Joos, J. W., Dep. Dist. Atty., Hall of Records.  
 Jordan, C. Hughes, H. W. Hellman Bldg.  
 Jordan, F. International Bk. Bldg.  
 Joslin, C. E., Central Bldg.  
 Jutten, L. W., Equitable Sav. Bk. Bldg.  
 Karr, Frank, Pac. Elec. Bldg.  
 Kase, T. K., Mchts. Tr. Bldg.  
 Keetch, Arthur, Dep. Dist. Atty., Hall of Records.  
 Keefe, Thos. F., 259 So. Hobart Blvd.  
 Keefer, G. L., Currier Bldg.  
 Kelby & Martin, Tr. & Sav. Bldg.  
 Kelch, Geo. H., Douglas Bldg.  
 Kelley, Edw. E., Exchange Bldg.  
 Kelly, W. P., Title Ins. Bldg.  
 Kemp, R. W., Grant Bldg.  
 Kemp, Mitchell & Silberberg, H. W. Hellman Bldg.  
 Kendrick & Ardis, Bullard Bldg.  
 Kennedy, Wm., I. W. Hellman Bldg.  
 Kenney, Elizabeth L., Amer. Bk. Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Keogh, Joseph P., Central Bldg.  
 Kerns, Rollin, Citizens' Natl. Bk. Bldg.  
 Keyes, Asa, Dep. Dist. Atty., Ct. House.  
 Kidder, Albert A., Jr., Coulter Bldg.  
 King, Carroll E., California Bldg.  
 Klingenberg, T. W., California Bldg.  
 Klitten, Karl, 739 H. W. Hellman Bldg.  
 Knott, W. S., Frost Bldg.  
 Kuehn, W. L., I. W. Hellman Bldg.  
 Kuster, Edw. G., I. W. Hellman Bldg.  
 Labrie, A. C., I. W. Hellman Bldg.  
 Lacey, F. E., Bullard Bldg.  
 Lacey & Hunsaker, International Bk. Bldg.  
 Lacey & Piccardi, International Bk. Bldg.  
 Lady, Wm. E., Pac. Elec. Bldg.  
 LaFetra, W. W., 201 Normandy St.  
 Landt, S. V., Stimson Bldg.  
 Lane, E. A., 1005 Tr. Sav. Bldg.  
 Lantz, C., Bullard Bldg.  
 Laubersheimer, D. H., Douglas Bldg.  
 Laughlin, A. D., Laughlin Bldg.  
 Laughlin, H. S., Title Ins. & Tr. Co. Bldg.  
 Lawler, Allen, Van Dyke & Jutten, Equitable.  
 Lawler, Oscar, Security Bldg.  
 Lawrence, Jas. W., Bullard Bldg.  
 Layng, J. R., Wilcox Bldg.  
 LeDoux, G. A., H. W. Hellman Bldg.  
 Lee, Bradner W., H. W. Hellman Bldg.  
 Leeds, Walter R., Douglas Bldg.  
 Lefebvre, Edgar E., Bway. Central Bldg.  
 Lehigh, D. F., 715 So. Grand Ave.  
 Leighton, Edw. E., Mchts. Tr. Bldg.  
 Lewis, Wm., Bryson Bldg.  
 Lewis & O'Connor, International Bk. Bldg.  
 Lidders, Alex., Amer. Bk. Bldg.  
 Lightfoot, R. T.  
 Lillie, H. C., Int. Bk. Bldg.  
 Lindley, Angus R., Wilcox Bldg.  
 Linney, Robt. T., Amer. Bk. Bldg.  
 Lissner, Meyer, Lissner Bldg.  
 Lloyd, P. B., Thorpe Bldg.  
 Lloyd, Warren E., Central Bldg.  
 Lloyd, Hunt, Cheney & Geibel, Central Bldg.  
 Loeb, E. J., I. W. Hellman Bldg.



LOS ANGELES, Los Angeles Co.—  
Continued.

Loeb, Jos. P., I. W. Hellman Bldg.  
Loeb & Loeb, I. W. Hellman Bldg.  
Loewenthal, Max, Wilcox Bldg.  
Longley, A. S., Hellman Bldg.  
Los Angeles Co. Law Library.  
Loueks, Robt. G., Union Oil Bldg.  
Louis, Irving C., H. W. Hellman Bldg.

Luckel, Louis, F. P. Fay Bldg.  
Lusk, Robt. M., Bryson Bldg.  
Lyman, C. L., Wilcox Bldg.  
Lyman, E. D., Wright & Callender Bldg.

Lyon, Chas. W., Exchange Bldg.  
Lyon & Hackley, Mehts. Tr. Bldg.  
Lyons, Julius, 223 W. 2d St.  
Lyons, P. B.  
Lyons, Willard E., H. W. Hellman Bldg.

MacDonald, Alfred F., Bryson Bldg.  
MacDonald, J. W., Higgins Bldg.  
MacFarland, J. C., Tr. & Sav. Bldg.  
MacFarlane, S. F., Douglas Bldg.  
MacGowan & Haas, Mehts. Tr. Bldg.  
MacKnight, Geo. W., Byrne Bldg.  
MacNeil, Sayre, Title Ins. Bldg.  
Macomber, Lawrence, Security Bldg.

McAdoo, Alfred H., Wilcox Bldg.  
McCall, Albert, Bullard Bldg.  
McCallum, H. S., Title Ins. Bldg.  
McCarthy, Neil S., Douglas Bldg.  
McCartney, H. S. G., Dep. Dist. Atty., Hall of Records.  
McClure, F. D., Douglas Bldg.  
McComas, C. C., Dep. Dist. Atty., Court House.

McConnell, W. D., Cham. of Com. Bldg.  
McCormack, A. I., U. S. Atty., Federal Bldg.

McCormick, Paul J., Supr. Judge, Hall of Justice.

McCoy, Selph & Richards, Amer. Bk. Bldg.

McCullock, G. F., Higgins Bldg.  
McDill, G. W., Wilcox Bldg.

McDonald, D. M., San Fernando Bldg.

McDonald, T. F., Cham. of Com. Bldg.

McDowell, A. F., Mehts. Tr. Bldg.  
McDowell, E. R., Amer. Bk. Bldg.

McElroy, Gilbert A., I. W. Hellman Bldg.

McFarland, C. H., Capp Bldg.  
McGarry, M. J., Higgins Bldg.

McGarven & Haas, 411 Mehts. Tr. Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

McGavin, Chas., I. W. Hellman Bldg.

McGonigle, J. L. T., Byrne Bldg.  
McGraw, F.

McKeeby, G. L., California Bldg.  
McKelvey, C. S., Citizens' Natl. Bk. Bldg.

McKenna, J. Irving, Story Bldg.  
McKenna & McKenna, Wilcox Bldg.

McKinley, J. W., Pac. Elec. Bldg.  
McKnight, J. S., H. W. Hellman Bldg.

McLachlan, James.

McLaughlin, J. B., M. C. Bullard Bldg.

McLaughlin, Wm. F., Delta Bldg.  
McLucas, Victor R., 709 Tr. & Sav. Bldg.

McNair, H. L., Pac. Elec. Bldg.

McNamara, T. M.

McNeely, W. T., Title Ins. Bldg.

McNutt, P. S., 825 San Fernando Bldg.

McPherrin, Paul, Union Oil Bldg.  
McReynolds, C. I., Union Oil Bldg.

Manning, Thompson & Hoover, Mehts. Tr. Bldg.

Mansfield, Geo. C., Tr. & Sav. Bldg.  
Marble, B. M., Bullard Bldg.

Marche, C. H., 711 Delta Bldg.

Marine, Maddison, International Bk. Bldg.

Marshall, Humphrey, California Bldg.

Marshall, J. M., Title Ins. Bldg.  
Martin, G. C., Tr. & Sav. Bldg.

Martin, Theodore, Security Bldg.  
Martin, W. A., Hibernian Bldg.

Martindale, E. D., Bryson Bldg.  
Massey, H. A., International Bk. Bldg.

Mathews, W. B., Central Bldg.

Matthews & Matthews, Douglas Bldg.

Mattingly, Chas. H. Stimson Bldg.  
Maupin, R. W., California Bldg.

Maurice, Guy E., California Bldg.  
Mauzy, Wayne C., 309 Mehts. Tr. Bldg.

Medsker, W. A.

Meily, C., Exchange Bldg.

Mellen, Jno. McD., Tr. & Sav. Bldg.  
Mellette, E. E., Wilcox Bldg.

Merrill, A. E., Bullard Bldg.  
Merrill & Craig, Lankershim Bldg.

Merrill, Albert H., Mason Bldg.  
Meserve, Edwin A., Union Oil Bldg.

Metcalf, J. N., Grant Bldg.  
Metcalf, T. R., Grant Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Meyers, M. M., Henne Bldg.  
 Middlecoff, W. W., Hibernian Bldg.  
 Mieding, F. J., Pac. Elec. Bldg.  
 Miles, Jno. C., Mason Opera House Bldg.  
 Millar, W. R., Pac. Elec. Bldg.  
 Miller, C. Elliott, Higgins Bldg.  
 Miller, E. A., Bullard Bldg.  
 Miller, Jno. H., Amer. Bk. Bldg.  
 Miller, J. W., Wilcox Bldg.  
 Miller, Kenton A., Mchts. Tr. Bldg.  
 Miller, Gardner & Miller, Citizens' Natl. Bk. Bldg.  
 Miller & Lewis, Mchts. Tr. Bldg.  
 Miller & Miller, Citizens' Bk. Bldg.  
 Milliken, E. E., Title Ins. Bldg.  
 Mills, Geo. E., 204 No. Bway.  
 Millsap, H. C., San Fernando Bldg.  
 Mishler, C. C., Bradbury Bldg.  
 Mitchell, A. J., Henne Bldg.  
 Mitchell, Egbert, Title Ins. Bldg.  
 Mitchell, John S., H. W. Hellman Bldg.  
 Mitchell, John W., Lankershim Bldg.  
 Mitchell, Robert, Exchange Bldg.  
 Mitchell, W. S., California Bldg.  
 Mizner, D. A.  
 Moller, H. L., Bradbury Bldg.  
 Monk, E. R., Grant Bldg.  
 Monnette, Orra E., 308 Bway.  
 Monroe, C., Supr. Judge, Court-house.  
 Montelone, S., Security Bldg.  
 Montgomery, Chas. C., Tr. & Sav. Bldg.  
 Montgomery, Francis S., Amer. Bk. Bldg.  
 Montgomery & Jenal, Amer. Bk. Bldg.  
 Moore, A. D., Cal. Bldg.  
 Moore, G. H., Stimson Bldg.  
 Moore, M., Mchts. Tr. Bldg.  
 Moore, Peyton H., Security Bldg.  
 Moore, R. A.  
 Moore & Finkenstein, Mchts. Tr. Bldg.  
 Mooslin, C. M., 518 Grant Bldg.  
 Moote, F. D. R., H. W. Hellman Bldg.  
 Moote, T. D., H. W. Hellman Bldg.  
 Morgan, C. O., California Bldg.  
 Morgan, Geo. B., 933 W. 53d St.  
 Morgan, V., Exchange Bldg.  
 Morrison, F. W., Amer. Bk. Bldg.  
 Morrison, W. G., Trust Bldg.  
 Morrison, W. I., Title Ins. Bldg.  
 Morrow, H. T., I. W. Hellman Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Mortimer, C. White, M. A., International Bk. Bldg.  
 Morton, Claude B., Citizens' Natl. Bk. Bldg.  
 Morton, W. O., Citizens' Natl. Bk. Bldg.  
 Morton, Hollzer & Morton, Citizens' Natl. Bk. Bldg.  
 Moss, Leon F., Amer. Bk. Bldg.  
 Mott, John G., Douglas Bldg.  
 Mott & Dillon, Douglas Bldg.  
 Moultrie, L. W., Security Bldg.  
 Mowell, John W., Hibernian Bldg.  
 Mueller, O. C., Wilcox Bldg.  
 Mulford, S. P., Amer. Bk. Bldg.  
 Mulford & Dryer, Amer. Bk. Bldg.  
 Mull, Bert F., Central Bldg.  
 Muhleman, Frank L., Title Ins. Bldg.  
 Multhauf, E. J. Jr., Exchange Bldg.  
 Munholland, John C., Laughlin Bldg.  
 Munro & Pirkey, Bryson Bldg.  
 Murphey, J. L., Story Bldg.  
 Murphey & Poplin, Story Bldg.  
 Murphy, J., Byrne Bldg.  
 Murphy, Robt. B., Douglas Bldg.  
 Musgrave, Joseph, Exchange Bldg.  
 Myers, L., Johnson Bldg.  
 Myers, Philip, Bway Central Bldg.  
 Myrick, O. H., International Bk. Bldg.  
 Nakamura, M., 115½ S. San Pedro St.  
 Nash, P. M. (colored), Bryson Bldg.  
 Nefsky, D. W., 1619 Shatto St.  
 Neighbors & Spraul, Cham. of Com. Bldg.  
 Nelles, H. E., Wright & Callender, Bldg.  
 Nelson, G. M., I. W. Hellman Bldg.  
 Newby, Nathan, Wilcox Bldg.  
 Newlin, G. E., Title Ins. Bldg.  
 Newmire, Earl, San Fernando Bldg.  
 Newmire & Morris, San Fernando Bldg.  
 Nichols, Ernest F., Bullard Bldg.  
 Nimmo, Ray E., City Jail Bldg.  
 Nolan, Edw. J., Douglas Bldg.  
 Noleman, I. E., Bullard Bldg.  
 Noleman & Smyser, Bullard Bldg.  
 Noon, Ernest E., California Bldg.  
 North, John, Title Ins. Bldg.  
 Norton, A. M., Consolidated Realty Bldg.  
 Norton, Henry K., Security Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Norton, R. H., 175 No. Spring St.  
Nutt, J. M., 1117 W. 24th St.

O'Brien & Spaulding, Title Ins.  
Bldg.

O'Connell, J. C., Douglas Bldg.

O'Connell, J. H., International Bk.  
Bldg.

O'Melveny, H. W., Title Ins. Bldg.

O'Melveny, Stuart, Title Ins. Bldg.

O'Melveny, Stevens & Milliken, Title  
Ins. Bldg.

O'Neill, Grosvner P., Mer. Tr. Bldg.

Odell, R. A., California Bldg.

Odell, S. W., California Bldg.

Ogden, Wm. B., Exchange Bldg.

Orfila, A., Cham. of Com. Bldg.

Overmyer, Geo. E., Byrne Bldg.

Overton, Paul V., 645 So. Hill St.

Owen, T. R., Currier Bldg.

Owings, J. A., Bryson Bldg.

Page, Benjamin E., Mechts. Tr.  
Bldg.

Page, Roger S., Wilcox Bldg.

Palmer, W. F., Pac. Elec. Bldg.

Pardue, Samuel H., Ferguson Bldg.

Park, A. G., Stimson Bldg.

Park, Frank, Stimson Bldg.

Parker, W. F., Tr. & Sav. Bldg.

Parker & Moote, H. W. Hellman  
Bldg.

Parks, L. K., 914 Higgins Bldg.

Parsons, Sidney J., Douglas Bldg.

Parrott, K. K., Exchange Bldg.

Patterson, H., Security Bldg.

Payne, E. L., Douglas Bldg.

Peairs & Shears, Higgins Bldg.

Pearson, G. W., Bryson Bldg.

Peck, Earl C., Equitable Sav. Bk.  
Bldg.

Pendell, G. Roy, California Bldg.

Pendleton, C. J., Jr., Douglas Bldg.

Pendleton, C. W., Douglas Bldg.

Penn, C. B., Mechts. Tr. Bldg.

Perdue, A. B., Fay Bldg.

Perhner, Samuel, Union Oil Bldg.

Perkins, E. L., California Bldg.

Perkins & Tufts, California Bldg.

Perry, F. L., Douglas Bldg.

Petchner, W. C., Title Ins. Bldg.

Petit, Henry G., California Bldg.

Phelps, C. R., Story Bldg.

Phelps, Wm. W., Mechts. Tr. Bldg.

Pickit, Daniel, 203 No. Bway.

Pierce, H. A., Fay Bldg.

Pierce, Critchlow & Barrette, Hi-  
bernian Bldg.

Pierson, Geo. M., H. W. Hellman  
Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Pillsbury, C. D., Mechts. Tr. Bldg.  
Polk, Chas. C., H. W. Hellman  
Bldg.

Poole, J. F., California Bldg.

Pope, J. D., Stimson Bldg.

Poplin, H. L., 720 Story Bldg.

Porres, A. G. Jr., Currie Bldg.

Porter, F. M., Exchange Bldg.

Porter, Morgan & Parrott, Ex-  
change Bldg.

Porter & Sutton, Central Bldg.

Post, C. A., Grant Bldg.

Potter, Bernard, Title Ins. Bldg.

Potter, Chas. F. & Isaac B., Title  
Ins. Bldg.

Potter, Chas. G., Amer. Bk. Bldg.

Potter, Daniel M., International  
Bk. Bldg.

Potter, E. K., Severance Bldg.

Powell, Jerry H., Title Ins. Bldg.

Powell, John A., Title Ins. Bldg.

Powers, J. E., 207 Bulhard Bk.

Pratt, Guy S., Ferguson Bldg.

Prescott, Frank C., Cham. of Com.  
Bldg.

Prescott, Frank C. Jr., Cham. of  
Com. Bldg.

Preston, Fredk. A., California Bldg.

Preston, I. H., Laughlin Bldg.

Prutt, Drew, Douglas Bldg.

Putnam, Chas. E., Douglas Bldg.

Putnam, Osgood, Mechts. Tr. Bldg.

Quinn, R. T., San Fernando Bldg.

Randall, Jay E., Tr. & Sav. Bldg.

Randall, Lewis B., Cham. of Com.  
Bldg.

Randall, Bartlett & White, Cham.  
of Com. Bldg.

Randall & Gaines, Cham. of Com.  
Bldg.

Randall, M., 710 Bryson Bldg.

Rapp, V.

Reach, Howard E., Higgins Bldg.

Reagan, Edw. A., Federal Bldg.

Redd, Jas. B., California Bldg.

Redwine, H. G., Citizens' Natl. Bk.  
Bldg.

Reed, M., W. Kerekhoff Bldg.

Reeve, Sidney N., Court House.

Reily, A. G., Union Oil Bldg.

Reppy, Roy V., Title Ins. Bldg.

Rex, Wm. H., 105 W. 6th St.

Rheinschild, W. M., San Fernando  
Bldg.

Rhodes, Allin L., Title Ins. Bldg.

Riccardi, C. V., International Bk.  
Bldg.

Rice, P. F., Stimson Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Richards, Chas. H., Amer. Bk. Bldg.  
 Richards, F. W., Henne Bldg.  
 Richardson, Frank H., Mchts. Tr. Bldg.  
 Richardson, George, Lankershim Bldg.  
 Richardson, J. L., Hall of Records.  
 Richardson, R. W., Central Bldg.  
 Rickhard, Jas. B., Tr. & Sav. Bldg.  
 Riddle & Cheroske, 902-4 Higgins Bldg.  
 Riddle & Smith, Higgins Bldg.  
 Ridgway, T. C., H. W. Hellman Bldg.  
 Riggins, Harley E., O. T. Johnson Bldg.  
 Rittenhouse, A. P., I. W. Hellman Bldg.  
 Rivera, R. P., 302 Eq. Bldg.  
 Rivers & Gates, Equitable Sav. Bk. Bldg.  
 Rives, Jas. C., Supr. Judge, Court-house.  
 Robertson, F. R., 224 Boyd St.  
 Robertson, Howard, Mchts. Tr. Bldg.  
 Robertson, W. A., Story Bldg.  
 Robertson & Baird, Story Bldg.  
 Robinson, Dudley W., Federal Bldg.  
 Robinson, S. B., Central Bldg.  
 Robinson, T. W., Hall of Records.  
 Rodman, Willoughby, 2631 Orchard Ave.  
 Rodgers, Earl, California Bldg.  
 Rogers, Ernest E., California Bldg.  
 Rollins, H. S., Bryson Bldg.  
 Rose, A. H., Hibernian Bldg.  
 Rose, H. H., Higgins Bldg.  
 Rosebury, L. H., Security Bldg.  
 Rosecrans, Leo M., Title Ins. Bldg.  
 Rosenthal, Samuel, Citizens' Natl. Bk. Bldg.  
 Rubin, I. R., 401-402 Citizens' Natl. Bk. Bldg.  
 Rush, Jud. R., Bryson Bldg.  
 Rutherford, N. R. Jr., Bryson Bldg.  
 Ryckman, J. H., Higgins Bldg.  
 Sackett, S. C.  
 Sale, Henry T., Douglas Bldg.  
 Salisbury, C. E., Story Bldg.  
 Salisbury, Stewart, M. Tr. & Sav. Bldg.  
 Salzman, Maurice, Security Bldg.  
 Sanders, G. L., Wilcox Bldg.  
 Sanders, S. S., Bullard Bldg.  
 San Pedro, L. A. & Salt Lake R. R., Pac. Elec. Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Sansbury, Samuel.  
 Sanson, Thomas A., Suite 827, Walter P. Story Bldg.  
 Sargent, E. W., 133 No. Bway.  
 Satterwhite, John, Lankershim Bldg.  
 Scarborough & Bowen, B. F. Coulter Bldg.  
 Schroder-Courtney Co., 827 Higgins Bldg.  
 Schenck, P. W., Laughlin Bldg.  
 Schlegel, John, H. W. Hellman Bldg.  
 Schmidt, Herman C., Security Bldg.  
 Schmidt, Reuben S., O. T. Johnson Bldg.  
 Schmidt & Riggins, O. T. Johnson Bldg.  
 Scholz, Charles, Equitable Sav. Bk. Bldg.  
 Schoonmaker, O. P., Mchts. Tr. Bldg.  
 Schoonover, R. W., Amer. Bk. Bldg.  
 Schreider, Wm. Higgins Bldg.  
 Schroeder, C. L., Higgins Bldg.  
 Schultz, Cleveland, California Bldg.  
 Schweitzer & Hutton, Coulter Bldg.  
 Scott, Jonathan R., Union League Bldg.  
 Scott, Joseph, Equitable Bk. Bldg.  
 Seoville, H. F., Capp Bldg.  
 Seabury, Wm. M., H. W. Hellman Bldg.  
 Seaver, Byron D., Wilcox Bldg.  
 Seaver, Frank E., Wilcox Bldg.  
 Selby, Edw. M., Central Bldg.  
 Selph, Ewald E., Amer. Bk. Bldg.  
 Shankland & Chandler, Amer. Bk. Bldg.  
 Shannon, M. F., Hall of Records.  
 Sharp, Edgar, I. W. Hellman Bldg.  
 Shaw, Hartley, Stimson Bldg.  
 Shaw & Lucien, Jus. Supm. Ct.  
 Shaw & Van Nostran, Bradbury Bldg.  
 Shellis, Burt, Higgins Bldg.  
 Shelton, James E., H. W. Hellman Bldg.  
 Shelton, W. C., Hibernian Bldg.  
 Shenk, J. W., Mchts. Tr. Bldg.  
 Shepherd, F. M., Higgins Bldg.  
 Shepherd & Alms, Higgins Bldg.  
 Sheran, J. F., 917 51st Pl.  
 Sherer, A. J., Higgins Bldg.  
 Sherer, Edward T., Title Ins. Bldg.  
 Sherer & Wilson, Title Ins. Bldg.  
 Sherman, W. H. A., California Bldg.  
 Shinn, Clement L., Amer. Bk. Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Sibley, F. L., Pac. Elec. Bldg.  
 Sidebottom, Earl E., Title Ins. Bldg.  
 Silberberg, M. B., H. W. Hellman Bldg.  
 Silent, C., Lankershim Bldg.  
 Sims, J. H. Jr., 1012 Cal. Bldg.  
 Slosson, L. B., Wright & Callender Bldg.  
 Slosson, Mark H., Wright & Callender Bldg.  
 Smith, Ansel, Citizens' Natl. Bk. Bldg.  
 Smith, Chester, 238 W. 1st St.  
 Smith, D. F., Amer. Bk. Bldg.  
 Smith, E. H., Higgins Bldg.  
 Smith, J. H., 501 Westmoreland Ave.  
 Smith, Jos., Mason Opera Bldg.  
 Smith, S. B., H. W. Hellman Bldg.  
 Smith, Walter E., Douglas Bldg.  
 Smith, Miller & Phelps, Mchts. Tr. Bldg.  
 Smyser, S. M.  
 Snell, W. L., Mchts. Tr. Bldg.  
 Somerville, G. W., Harvard Blvd.  
 So Relle, W. E., Ferguson Bldg.  
 So Relle & Cruickshank, Ferguson Bldg.  
 Southern Cal. Edison Co., Legal Dept., 120 E. 4th St.  
 Spalding, W. D., Exchange Bldg.  
 Sparks, C. Randall, Mason Opera Bldg.  
 Sparling, Harvey, Amer. Bk. Bldg.  
 Spaulding, L. P., Amer. Bk. Bldg.  
 Spaulding & O'Brien, 1122 Title Ins. Bldg.  
 Spencer, F. McD., Amer. Bk. Bldg.  
 Spicer, Chas. C., H. W. Hellman Bldg.  
 Spring, Fred J., California Bldg.  
 Sproul, F. P., Cham. of Com. Bldg.  
 Stafford, Frank W., City Jail Bldg.  
 Stafford, John I., H. W. Hellman Bldg.  
 Stafford, W. P., L. Bullard Bldg.  
 Stahl, C. W., Cham. of Com. Bldg.  
 Standefer, I. M.  
 Stansbury & Schermerhorn, Hibernian Bldg.  
 Stanton, L. B., Wilcox Bldg.  
 Starr, M. M., Higgins Bldg.  
 Steele, F. M., California Bldg.  
 Steely, John S., Story Bldg.  
 Steinhauer, Karl E., Title Ins. Bldg.  
 Stephens, Albert Lee, Hibernian Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Stephens, Charles M., Temple Bldg.  
 Stephens, H. G., Cham. of Com. Bldg.  
 Stephens, Jess E., City Jail Bldg.  
 Stephens & Stephens, Ferguson Bldg.  
 Stephenson, F. A., Douglas Bldg.  
 Stepper, Arthur G., H. W. Hellman Bldg.  
 Sterry, N. S., Pac. Elec. Bldg.  
 Stevens, Henry J., Title Ins. Bldg.  
 Stevens, W. H., Citizens' Natl. Bk. Bldg.  
 Stewart, Frank, Stimson Bldg.  
 Stewart, Paul, Bradbury Bldg.  
 Stewart, S. W., Bryson Bldg.  
 Stewart, T. M., Bradbury Bldg.  
 Stice, C. A., Bryson Bldg.  
 Stick, John, Citizens' Natl. Bk. Bldg.  
 Stimson, Marshall, Wright & Callender Bldg.  
 Stobbs, F. L., Thorpe Bldg.  
 Storrs, H. E., 308 W. 1st St.  
 Strong, Andrew M., H. W. Hellman Bldg.  
 Strong, Will A., Hibernian Bldg.  
 Sturges, A. A., Bullard Bldg.  
 Sturgeon, Berry, California Bldg.  
 Stutsman, Marshall A., 238 West 1st St.  
 Stutsman & Stutsman, California Bldg.  
 Sullivan, Stephen L., 1043 W. 22d St.  
 Summers, G. M.  
 Sumner, C. E., Union Oil Bldg.  
 Sumner, W. A., Union Oil Bldg.  
 Sutphen, J. W., Union Oil Bldg.  
 Swaffield & Munholland, Laughlin Bldg.  
 Swanwick, J. W., Amer. Bk. Bldg.  
 Sweeney, Robt., Title Ins. Bldg.  
 Sweet, Charles I., Fay Bldg.  
 Sweet, Geo. T., Fay Bldg.  
 Taft, H. W., California Bldg.  
 Taggart, J. D., Union Oil Bldg.  
 Tanner, Taft & Odell, California Bldg.  
 Tappaan, Clair S., Douglas Bldg.  
 Tatum, J. T., H. W. Hellman Bldg.  
 Taylor, E. E., H. W. Hellman Bldg.  
 Taylor, G. L., Amer. Bk. Bldg.  
 Taylor, W. E., Wilson Bldg.  
 Taylor, Taylor Oscar, Wilcox Bldg.  
 Taylor & Forgy, California Bldg.  
 Teed, Freeman G., Title Ins. Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Thatcher, Philip S., I. W. Hellman Bldg.  
 Thomas, F. J., Fay Bldg.  
 Thomas, Harold E., Story Bldg.  
 Thompson, N. W., Title Ins. & Tr. Bldg.  
 Thompson, R. G., Higgins Bldg.  
 Thompson, W. B., 4901 Moneta Ave.  
 Thompson & Thompson, Thorpe Bldg.  
 Thomson, T. W., Johnson Bldg.  
 Thomson & Spencer, Amer. Natl. Bk. Bldg.  
 Thornton, T. C., Mason Opera Bldg.  
 Thorpe, Spencer, Exchange Bldg.  
 Thorpe & Hanna, Exchange Bldg.  
 Tilden, Myron W., 333 So. Hill St.  
 Tipton & Cailor, Cham. of Com. Bldg.  
 Title Guaranty & Trust Co., Franklin & Broadway.  
 Title & Trust Co., Spring Bldg.  
 Titus, A. C.  
 Titus, Frank T., Capp Bldg.  
 Todd, R. A., International Bk. Bldg.  
 Toland, T. O., Union Oil Bldg.  
 Tolhurst, Lewis H., Douglas Bldg.  
 Towner, C. C., Higgins Bldg.  
 Townsend, Jas. R., Bradbury Bldg.  
 Townsend & Graham, California Bldg.  
 Trask, D. K., Cons. Realty Bldg.  
 Trask, Norton & Brown, Cons. Realty Bldg.  
 Tribbit, C. H. Jr., Mchts. Tr. Bldg.  
 Trippett, O. A., Coulter Bldg.  
 Trist, Robt. N., West 4th St.  
 Trowbridge, H. H., 120 E. 4th St.  
 Trude, Fred J., H. W. Hellman Bldg.  
 Truex, Art, I. W. Hellman Bldg.  
 Tufts, W. L., California Bldg.  
 Tuller, Walter K., Title Ins. Bldg.  
 Turnbull, R. B. E., Title Ins. Bldg.  
 Turner, R. A., Douglas Bldg.  
 Tuttle, Edw. W., Higgins Bldg.  
 Tyler, W. O., Germain Bldg.  
 Tyrrell, Frank G., Suite 1117 Title Ins. Bldg.  
 Tyrrell & Dougherty, Title Ins. Bldg.  
 Ussher, P. E., Higgins Bldg.  
 Vale & Crane, 1026 Story Bldg.  
 Valentine, F. C., Amer. Bk. Bldg.  
 Valentine & Newby, Wilcox Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Van Cott, A. H., Kerckhoff Bldg.  
 Vandiveer, H. D., 522 Security Bldg.  
 Van Dyke, Henry S., Title Ins. Bldg.  
 Van Nostrand, W. D., Bradbury Bldg.  
 Van Pelt, W. G., Title Ins. Bldg.  
 Van Pelt & North, Title Ins. Bldg.  
 Van Steinberg, E. B., Stimson Bldg.  
 Variel, R. H. F. Jr., I. W. Hellman Bldg.  
 Variel, Clarence, I. W. Hellman Bldg.  
 Variel, Wm. J., Wright & Callender Bldg.  
 Veitch, A. L., Hall of Records.  
 Vermilyea, S. E., Hibernian Bldg.  
 Visel & Visel, California Bldg.  
 Wagoner, T. J., 554 No. W. Lake Ave.  
 Walden, Frank W., Title Ins. Bldg.  
 Walker, A. Lincoln, Laughlin Bldg.  
 Walker, I. M., Fay Bldg.  
 Wall, Arnold E., Title Ins. Bldg.  
 Walter, G. E., Bway. Central Bldg.  
 Walter, Greer & Lovelers, 614 Broadway.  
 Ward, S. C., Union Oil Bldg.  
 Warden, C. D., 210 Mason Bl.  
 Washburn, Harry B., 314 Wilcox Bldg.  
 Waterman, Jesse, Wilcox Bldg.  
 Waterman & Green, Wilcox Bldg.  
 Watkins & Blodgett, Stimson Bldg.  
 Weaver, W. K., Bradbury Bldg.  
 Weaver & McKee, 512 Bradbury Bldg.  
 Wehrle, E. F., Stimson Bldg.  
 Weil, S. D., 200 New High St.  
 Welch, B. P., Capp Bldg.  
 Welch, H. L.  
 Welch & Jeffray, Capp Bldg.  
 Wellborn Chas., 1032 Security Bldg.  
 Wellborn, Olin, Dist. Judge, Federal Bldg.  
 Wellborn & Wellborn, Security Bldg.  
 Weller, D. R., Thorpe Bldg.  
 Wellman, E. P., Amer. Bk. Bldg.  
 Westover, Myron, Mchts. Natl. Bk. Bldg.  
 Weyse, H. G., Grosse Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Wharton, L. R., Johnson Bldg.  
 Wheeler, Henry O. Jr., Fay Bldg.  
 Wheeler & Sweet, Fay Bldg.  
 White, Thos., Cham. of Com. Bldg.  
 Whitham, G. L., Laughlin Bldg.  
 Whittemore, C. O., Pac. Elec. Bldg.  
 Whitworth, Walter, Byrne Bldg.  
 Wickliffe, G. W., Thorpe Bldg.  
 Wideman, Wallace, Mcchts. Tr. Bldg.  
 Widney, R. M., 3308 So. Grand St.  
 Wier, Harry M., 204 No. Bway.  
 Wilbur, C. D., Supr. Judge.  
 Wilder, J. R., H. W. Hellman Bldg.  
 Williams, Chas. E., Title Ins. Bldg.  
 Williams, E. S., Title Ins. Bldg.  
 Williams, Gesner, Temple Bldg.  
 Williams, Norman, Exchange Bldg.  
 Williams, W. J., Exchange Bldg.  
 Williams, Goudge & Chandler, Exchange Bldg.  
 Willis, Frank R., Supr. Judge.  
 Willis & Robinson, Bryson Bldg.  
 Wilson, Calvert, Wilcox Bldg.  
 Wilson, Emmet, Title Ins. Bldg.  
 Wilson, Geo. H., Higgins Bldg.  
 Wilson, Horace S., Wilcox Bldg.  
 Wilson, R. G., 622 Laughlin Bldg.  
 Winburn & Winburn, San Fernando Bldg.  
 Winnett, Earl L., Wright & Calender Bldg.  
 Winterer, Edward, Wilcox Bldg.  
 Wisdom, Earl L., Cham. of Com. Bldg.  
 Wisler, H. M., Mcchts. Tr. Bldg.  
 Wisler & Horn, Mcchts. Tr. Bldg.  
 Wood, J. P., 1206 Fedora St.  
 Wood, Walter J., Bullard Bldg.  
 Woodard, B. P., Title Ins. Bldg.  
 Woodman, Fred T., Mcchts. Tr. Bldg.  
 Woodruff, F. B., Grosse Bldg.  
 Woodruff, Geo. H., Douglas Bldg.  
 Woolwine, C. W., Pac. Elec. Bldg.  
 Woolwine, Thos. L., Title Ins. Bldg.  
 Works, J. D., H. W. Hellman Bldg.  
 Works, Lewis R., H. W. Hellman Bldg.  
 Works & Jordan, H. W. Hellman Bldg.  
 Wright, Alfred, Van Nuys Bldg.  
 Wright, Arthur, Currier Bldg.  
 Wright, Foster C., Douglas Bldg.  
 Wycoff, A. H., Amer. Bk. Bldg.

LOS ANGELES, Los Angeles Co.—  
Continued.

Wyvell, G. F., Mcchts. Tr. Bldg.  
 Wynn, C., I. W. Hellman Bldg.  
 Yager, Thos. C., Higgins Bldg.  
 Ybarra & Parker, Tr. & Sav. Bldg.  
 Yeaman, Harvey, Stimson Bldg.  
 York, J. M., Mason Bldg.  
 York, John M., Mason Opera Bldg.  
 York & York, Mason Opera Bldg.  
 Young, E. R., Story Bldg.  
 Young, Milton, K., H. W. Hellman Bldg.  
 Young, Robert, Higgins Bldg.  
 Zerbe, J. S., Story Bldg.  
 LOS BANOS, Merced Co.  
 Bickmore, Edw.  
 LOS GATOS, Santa Clara Co.  
 Bell, R. B.  
 Butler, G. A.  
 Jenkins, D. T.  
 Milligan, D. H.  
 Pearce, B. W.  
 Robertson, R. F.  
 LOYALTON, Sierra Co.—  
 Neville, H. B.  
 McKITTRICK, Kern Co.—  
 Fox, Paul.  
 MADERA, Madera Co.—  
 Barcroft, Jes.  
 Conley, W. M., Judge Supr. Ct.  
 Curtin, W. R., Clk. Supr. Ct.  
 Fee, F. A.  
 Hargrove, R. L.  
 Larew, W. H., Dist. Atty.  
 Mordecai, G. W.  
 Rhodes, Raleigh E.  
 MARICOPA, Kern Co.—  
 Bell, H. H.  
 MARIPOSA, Mariposa Co.—  
 Barnhart, Chas.  
 Corcoran, John M.  
 Stolder, R. B.  
 Trabucco, J. J., Supr. Judge.  
 Wall, J. A.  
 MARKLEVILLE, Alpine Co.—  
 Dunlap, Fred. S., Clk. Co. Ct.  
 Grau, Otto K., Dist. Atty.  
 Price, Lester T., Sup. Judge.  
 MARTINEZ, Contra Costa Co.—  
 Brown, C. C.  
 Brown, L. C.  
 Bray, A. F.  
 Jones, M. R.  
 Latimer, R. H., Supr. Judge.

**MARTINEZ, Contra Costa Co.—Continued.**

McKenzie, A. B.  
 Rodgers, J. E.  
 Soto, A. J.  
 Tinning, W. S.  
 Tormey, Leo F.  
 Wells, J. H., Co. Clk.  
 Wight, R. H.  
 Wyatt, Jno. O. B.

**MARYSVILLE, Yuba Co.—**

Belcher, Richard.  
 Brittan & Raish.  
 Carlin, W. H.  
 Covillaud, C. J.  
 Dinsmore, W.  
 Eastman, J. F., Clk. Ct.  
 Ebert, J. E.  
 Greely, F. H., Co. Recorder.  
 Johnson, W. S.  
 McDaniel, E. P., Supr. Judge.  
 Manwell, E. T., Dist. Atty.  
 Sanford, J. A.  
 Stanwood, E. B.  
 Thomas, J. C.

**MAYFIELD, Santa Clara Co.—**

Carothers, E. D.  
 Wright, Charles F.

**MENLO PARK.**

Linforth, W. H.

**MERCED, Merced Co.—**

Brickley, Henry.  
 Croop, W. B.  
 Farrar, Frank H.  
 Fowler, B. F.  
 Griffin, J. J.  
 Henderson, F. W.  
 Landram, H. K.  
 Law, J. K.  
 Mahon, Jack.  
 Ostrander, F. G.  
 Rector, E. N.  
 Schino, L. J.  
 Shaffer, Hal S.  
 Thornton, P. J., Clk. Ct.

**MILL VALLEY, Marin Co.—**

Chase, Jas. V.

**MODESTO, Stanislaus Co.—**

Benson, H., Clk. Supr. Ct.  
 Brown, Richard A.  
 Brown, W. J.  
 Coldwell, T. A.  
 Cross, J. M.  
 Dennett, Lewis L.  
 Jones, E. R.  
 Fulkerth, L. W., Supr. Judge.  
 Gailfus, C. R.  
 Griffin, T. F.

**MODESTO, Stanislaus Co.—Continued.**

Griffin & Carlson.  
 Hatton & Scott.  
 Hawkins, J. Waldo.  
 Hoover, F. O.  
 Jennings, J. B., Pol. Judge.  
 Jones, E. R.  
 Maddux & Maddux.  
 May, J. T.  
 Needham, J. C.  
 Riemenschneider & Yanckwich.  
 Van Dusen, Jas. P.  
 Walthall, J. M.  
 West, J. S.  
 Zander, Carl.  
 Zion, E. H.  
 Carlson, A. J., Modesto.  
 Knox, R. G., Modesto.

**MONROVIA, Los Angeles Co.—**

Dunn, W. F.  
 Robinson, D. W.  
 Taylor, E. E.

**MONTEREY, Monterey Co.—**

Gould, G. S.  
 Hudson, Treat & Martin.  
 Carmel, M.  
 Jorgensen, H. S.  
 Mack, Silas W.  
 Sandholt & Wolf.  
 Willey, R. H.

**MORGAN HILL, Santa Clara Co.—**

Estes, G. K.

**MOUNTAIN VIEW, Santa Clara Co.—**

Brown, W. W.  
 Burns, R. V.  
 Cooley, W. R.  
 Frea, Arthur.

**NAPA, Napa Co.—**

Bell, E. S.  
 Collins, N. W., Clk. Ct.  
 Coombs, F. L.  
 Coombs, N. F., Dist. Atty.  
 Gasford, H. C., Supr. Judge.  
 Hull, A. J.  
 Johnston, Johnston & Johnston.  
 King, P. S.  
 Palmer, Jas. M. Jr.  
 Riggins, C. N.  
 Rutherford, W. T.  
 Silva, F. M.  
 Trower, C. E.  
 Watson, A. A.  
 Webber, E. L.  
 York, J. T.

**NATIONAL CITY, San Diego Co.—**

Palmer, T. R.  
 Pirkey, O.



## NEVADA CITY, Nevada Co.—

Buckley, G. D.  
 Coughlan, Geo., Co. Clk.  
 Finnegan, Geo. B.  
 Jones, Geo. L., Sup. Judge.  
 Lindley, I. C.  
 Nilon & Arbogast.  
 Searls, Fred.  
 Walling, J. M.

## NEWMAN, Stanislaus Co.—

Whitby, G. A.  
 Whithurst, G. A.

## NORWALK, Los Angeles Co.—

Sproule, Frank.

## OAKDALE, Stanislaus Co.—

Reeder, F. W.

## OAKLAND, Alameda Co.—

Abbott, Carl H., Oakland Bk. of Sav. Bldg.  
 Agnew, A. C., Oak. Bk. Sav. Bldg.  
 Aiken, Benj. R., Realty Bldg.  
 Aldrich, H. L., 812 Broadway.  
 Aldrich & Gentry, 802 Bway.  
 Allen, John J., Union Sav. Bk. Bldg.  
 Alvarado, H. V., Union Sav. Bk. Bldg.  
 Andrews, W. A., 957 Bway.  
 Angwin, Wm. S., 969 Bway.  
 Bartlett, F. H., Union Sav. Bk. Bldg.  
 Beardsley, Chas. A., Oakland Bk. of Sav. Bldg.  
 Bell, R. F., 1255 Bway.  
 Bell, Bell & Smith, 1st Nat. Bk. Bldg.  
 Berlin, F. A., Central Bk. Bldg.  
 Bingham, J. W., Union Sav. Bk. Bldg.  
 Black, P. C., Union Sav. Bk. Bldg.  
 Bradley, T. M., U. S. Bk.  
 Breed, H. L., 1102 Bway.  
 Brown, E. J., Supr. Judge Court-house.  
 Bruenn, Adolph, Bacon Bldg.  
 Burpee, Walter J., Dep. Dist. Atty.  
 Button, F. L., Bacon Bldg.  
 Carey, Philip M., Dep. Dist. Atty.  
 Carr, F. M., Security Bk. Bldg.  
 Chapman & Trefetken, Oakland Bk. of Sav. Bldg.  
 Chase, S. J., Oakland Bk. of Sav. Bldg.  
 Clark, Leon A., Dep. Dist. Atty.  
 Clark, Leonard S., 851 Jackson St.  
 Clark, W. C., Union Sav. Bk. Bldg.  
 Clarke & Clarke, Security Bk. Bldg.

## OAKLAND, Alameda Co.—Continued.

Coffman, A. B., Bacon Bldg.  
 Cohen, A. H., 872 Bway.  
 Colvin, C. L., 812 Bway.  
 Colvin & Graber, 906 Bway.  
 Craig, H. S., 1003½ Bway.  
 Creely, James H., 906 Bway.  
 Crosby & Richardson, 1003½ Bway.  
 Crowell, Clarence, Union Sav. Bk. Bldg.  
 Davis, W. R., Bacon Bldg.  
 Dean, W. E., Bacon Bldg.  
 Decoto, E. W., Bacon Bldg.  
 De Frietas, F. L., 957 Bway.  
 De Golia, D. C., Oakland Bk. of Sav. Bldg.  
 De Golia, Geo. E., Oakland Bk. of Sav. Bldg.  
 De las Casas, J. B., 1715 Fruitvale Ave.  
 Devere, C. W.  
 Dibert, Jesse, Bacon Bldg.  
 Dibert, P. C.  
 Dibert & Stiefvater, Bacon Bldg.  
 Dodge, C. G., Oakland Bk. of Sav. Bldg.  
 Dolenty, F. X., 3815, Foothill Blvd.  
 Donohue, D. G.  
 Donohue, W. H., Dist. Atty.  
 Donovan, W. J., 855 Bway.  
 Du Brutz, F. V.  
 Dunn, Walter R., 1020 Bway.  
 Dutton, D. C., Oakland Bk. of Sav. Bldg.  
 Earle, J. Jewett, Union Sav. Bk. Bldg.  
 Eliassen, Edward R., Union Sav. Bk. Bldg.  
 Elston, J. A., Oakland Bk. of Sav. Bldg.  
 Elsworth, Jno. A.  
 Encell, H. A., First Natl. Bk. Bldg.  
 Engs, E. W., Union Sav. Bk. Bldg.  
 Farnsworth, A. K., 1274 47th Ave.  
 Fitch, J. R., Union Sav. Bk. Bldg.  
 Fitzgerald & Abbott, Oakland Bk. of Sav. Bldg.  
 Foote, M. M.  
 Fountaine, P. A., Oakland Bk. of Sav. Bldg.  
 Frank, J. N., Union Sav. Bk. Bldg.  
 Freeman, E. A., 1218 34th Ave.  
 Frick, A. L., Bacon Bldg.  
 Fry, F. W., 906 Bway.  
 Geary, Wm. R., 307 East 12th St.  
 Gehring, E. E., Commercial Bldg.  
 Gentry, W. H. H., 906 Bway.

## OAKLAND, Alameda Co.—Continued.

Gibson & Woolner, First Natl. Bk. Bldg.

Gill, C. M., Bacon Bldg.

Gill, H. D., 969 Bway.

Glasscock & Howard, 906 Bway.

Glickman, Lewis, Oakland Bk. of Sav. Bldg.

Goble, F. J., So. Berkeley Bk. Bldg.

Goldsby, Z. N., Oakland Bk. of Sav. Bldg.

Gordon, F. J., 1003½ Bway.

Graber, Thos. F., 906 Bway.

Gray, T. S., 1003½ Bway.

Griffith, H. B., First Natl. Bk. Bldg.

Grijalva, W. P., 969 Bway.

Gwilt, Jno. W., 906 Bway.

Hagan, H. L., Bacon Bldg.

Hamilton, Milton S., Oakland Bk. of Sav. Bldg.

Harford, Lyman, 3210 E. 14th St.

Harris, T. W., Supr. Judge.

Harrison, Henry E., Alameda Sav. Bk. Bldg.

Hayes & Farmer, 705 Union Sav. Bldg.

Hennessey, Wm. J., Oakland Bk. of Sav. Bldg.

Henshaw, F. W., Supm. Judge.

Hewitt, R. E., 855 Bway.

Hicks, Hervey, First Natl. Bk. Bldg.

Hill, W. L., Bacon Bldg.

Holman & Manning, First Natl. Bk. Bldg.

Hough, Rollo J., Security Bk. Bldg.

Howard, Carey, 812 Broadway.

Huffaker, E. Bacon Bldg.

Huxley, T. C., Union Sav. Bk. Bldg.

Hyde, F. A., 601 18th St.

Hynes, W. H. L., Dep. Dist. Atty.

Ingraham, Geo. A. (colored), 906 Bway.

James, J. T., 978 Franklin St.

Johnson, G. W., 3631 Georgia Ave.

Johnson, H. A., 834 55th St.

Johnson & Shaw, Union Sav. Bk. Bldg.

Jones, George, 921 Bway.

Jones, R. D., Security Bk. Bldg.

Josselyn, J. S., Union Sav. Bk. Bldg.

Kellogg, F. C., Oakland Bk. of Sav. Bldg.

Kennedy, J. J., Oakland Bk. of Sav. Bldg.

Kinsell, Dudley, Oakland Bk. of Sav. Bldg.

Koenig, Max W., 878 Bway.

## OAKLAND, Alameda Co.—Continued.

Kofford, Jos. S., Oakland Bk. of Sav. Bldg.

Krenkel, J. F., Macdonough Bldg.

Kroning, W. F., 812 Bway.

Lake, F. W., 909 Linden St.

Langen & Mendenhall, Bacon Bldg.

Leach, A. P., Union Sav. Bk. Bldg.

Leach, H. E., Union Sav. Bk. Bldg.

Leet, L. C., Bacon Bldg.

Long, J. J., 865 San Pab. Ave.

Lukins, G. R., 1218 Bway.

Luttrell, A. H., Bacon Bldg.

McClymonds, Vance, Coml. Bldg.

McDonald, J. J., 1206 Bway.

McDonough, G. J., 906 Bway.

McKee, R. L., 855 Bway.

McKee & Tashiera, Oakland Bk. of Sav. Bldg.

McPike, H. C., Realty Syndicate Bldg.

McVey, Jno. L., Bacon Bldg.

Magnes, Irving, Union Sav. Bk. Bldg.

Manning, L. D., First Natl. Bk. Bldg.

Marcuse, Max, 828 Bway.

Martin, H. L.

Melvin, H. A., Supm. Judge.

Merrill, Geo. B., Oakland Bk. of Sav. Bldg.

Metcalf, G. D., First Natl. Bk. Bldg.

Metcalf, Victor, Union Sav. Bk. Bldg.

Michel, A., Bacon Bldg.

Montague, A. A., First Natl. Bk. Bldg.

Montgomery, J. P., Bacon Bldg.

Morbio, P. A., 878 Bway.

Moreland, W. W., 812 Bway.

Morison, H. C., Bacon Bldg.

Murcell, Chas., 927 Bway.

Murdock, Alex., 957 Bway.

Murphy, J. L., 1253 Webster St.

Murphy, Martin, Courthouse.

Myers, R. B., Bacon Bldg.

Oak, Term. Ry. Law Dept., 911 Syndicate Bldg.

O'Brien, W. S., Dep. City Atty.

O'Brien & Gill, 969 Bway.

Olipphant, D. D., First Nat. Bk.

O'Neill, J. M.

Ogden, F. B., Supr. Judge.

Page, E. S., Bacon Bldg.

Patterson, C. H., 969 Bway.

Peirsol, H. J., Bacon Bldg.

Phillips, L. E., Bacon Bldg.

Powell, Wm. A., Coml. Bldg.

## OAKLAND, Alameda Co.—Continued.

Pulcifer, H. W., Union Sav. Bk. Bldg.

Quayle, Chas., Bacon Bldg.

Quinn, Jas. C., 30th and Adeline.

Randall, J. C. (colored), 1003½ Bway.

Rawson, F. L., Bacon Bldg.

Rawson, M. L., 906 Bway.

Reddall, T. A., Bacon Bldg.

Reed, Black, Reed & Bingamon, Union Sav. Bk Bldg.

Richardson, Geo. H., 1003½ Bway.

Richardson, G. N., Bacon Bldg.

Richardson, J. B., Bacon Bldg.

Rinehart, W. B., 1003½ Bway.

Roberts, E. R., 1574 7th St.

Robinson & Robinson, First Natl. Bk. Bldg.

Rode, W. E., Bacon Bldg.

Rose, J. J. Jr., Union Sav. Bk. Bldg.

Rose, J. L., Bacon Bldg.

Russell, J. F., Oakland Bk. of Sav. Bldg.

Ryker, E. G., Security Bk. Bldg.

St. Sure, A. F., Bacon Bldg.

Samuels, G. E., Pol. Judge, Union Sav. Bk. Bldg.

Samuels, M. J., Union Sav. Bk. Bldg.

Sands, J. A., Oakland Bk. of Sav. Bldg.

Satterwhite, W. T., Dep. Dist. Atty., Courthouse.

Schroeder, H. G., First Natl. Bk. Bldg.

Schwartz & Powell, Coml. Bldg.

Scott, Jno. C., 1003½ Bway.

Scott, J. C., 1007 Bway.

Sears, H. L., Union Sav. Bk. Bldg.

Sech, Bunker & Cole, Syndicate Bldg.

Shaw, G. N., Union Sav. Bk.

Shepardson, Milton, 906 Bway.

Shine, A. T., Oakland Bk. of Sav. Bldg.

Sledge, L. Y. (colored), 555 7th Ave.

Smith, M., Oakland Bk. of Sav. Bldg.

Smith, Willard P., 801 Union Sav. Bk. Bldg.

Snook & Church, Security Bk. & T. Co. Bldg.

Sorensen, N. P., 1003½ Bway.

Stetson, J. W., 1206 Bway.

Stetson & Koford, Oakland Bk. of Sav. Bldg.

## OAKLAND, Alameda Co.—Continued.

Stocker & Holland, 13th, near Bway.

Stout, H. A., First Natl. Bk. Bldg.

Street, J. F., 1014 Bway.

Street & Street, Macdonough Bldg.

Swalley, A. E., Bacon Bldg.

Tashiera, A. G., Oakland Bk. of Sav. Bldg.

Tillman, T. C., Security Sav. Bk. Bldg.

Trefethan, E. E., Oakland Bk. of Sav. Bldg.

Turner, Aaron, Security Sav. Bk. Bldg.

Tuttle, F. P. Jr., 906 Bway.

Tyrrel, E. J., Security Sav. Bk. Bldg.

Van Hovenberg, A. A., 1319 Fruitvale Ave.

Van Hovenberg, J. J., 969 Bway.

Van Sickle, True, Oakland Bk. of Sav. Bldg.

Walker, H. G., 906 Bway.

Walker & Moreland, 906 Bway.

Walsh, P. M., Security Sav. Bk. Bldg.

Waste, W. H., Supr. Judge.

Wells, W. S., Supr. Judge.

White, C. G., 957 Bway.

White, E. D., Security Bk. Bldg.

Whitmore, Welles, Security Bk. Bldg.

Whitney, F. E., 909 Bway.

Williams, G. R., 969 Bway.

Wilson, C. E., Union Sav. Bk. Bldg.

Wise, H. D., Coml. Bldg.

Witter, G. F., Central Bk. Bldg.

Wittschen, T. P., Oakland Bk. of Sav. Bldg.

Wood, C. F., Bacon Bldg.

Wood, O. R., 906 Bway.

Woodburn, F. L., Bacon Bldg.

Wyman, B. J., Pantages Bldg.

Yule, John, 957 Bway.

## OASIS, Mono Co.—

Froman, W. S.

## OCEAN PARK, Los Angeles Co.—

Breden, M. A.

Hanna, Byron C., City Atty.

Hulbert, B. G.

Lee, Wm. D.

Susemihl, L. G.

Tanner, Taft & Odell.

## OCEANSIDE, San Diego Co.—

Hayes, C.

Johnston, John,

Rorick, D.

## ONTARIO, San Bernardino Co.—

Burt, A. W.  
 Jolliffe, E. H.  
 Pollock, J. R.  
 Warmer & Jones.  
 Warmer, Ben J.

## ORANGE, Orange Co.—

Bell, Fleetwood.  
 Brown, Wm. M. B., City Atty.  
 Davis, S. M.  
 Hartwick, L. A.

## ORLAND, Glenn Co.—

Clifton, R. L.

## ORVILLE, Butte Co.—

Duncan, W. E. Jr.  
 Gardner, Geo. E.  
 Gray, C.  
 Gray, J. C., Judge.  
 Gregory, H. D.  
 Jones, A. F.  
 Jones, G. F.  
 Leonard, Raymond A.  
 McGee, John M.  
 McGregor, J. A.

## OXNARD, Ventura Co.—

Blackstock, Chas. F.  
 Gardner, E. S.  
 Stewart, I. W.

## PACIFIC GROVE, Monterey Co.—

Gould, George S.  
 Mack, Silas W.

## PALO ALTO, Santa Clara Co.—

Charles & Schneider.  
 Malcolm, N. E.  
 Rogers & Smith, W. R.  
 Rogers, Walter.  
 Thomas, M. H.

## PASADENA, Los Angeles Co.—

Bell, N. W.  
 Bourne, M.  
 Burns, E. E.  
 Butler, M. B.  
 Byrne, James E.  
 Carr, Wm. J., City Atty.  
 Cary, Geo. P.  
 Chynoweth, H. W.  
 Cosgrove, T. B.  
 Cruikshank, Geo.  
 Dunham, Frank C.  
 Furlong, R. M.  
 Geary, E. P.  
 Gibb, Geo. A.  
 Goodrich, J. A.  
 Hahn, Edwin F.  
 Hahn & Hahn.  
 Harrah, A. M.  
 Harrah, J. G.  
 Hinds, Sam'l S.

PASADENA, Los Angeles Co.—Con-  
tinued.

Kelley, F. W.  
 Knudson, C. O.  
 McDonald, R. W., Pol. Judge.  
 Merriam, J. H.  
 Milliken, Edw. R.  
 Morin, Jas. M.  
 Porter & Sutton,  
 Robinson, H. M.  
 Rossiter, J. G.  
 Rowe, G. J.  
 Rowland, A. L.  
 Sears, J. D.  
 Simpson, C. M.  
 Simpson, Moody & Simpson.  
 Soale, Wilson H.  
 Strang, Benj. C.  
 Tanner, Taft & Odell,  
 Ticknor & Carter.  
 Willett, C. J.  
 Wright, Bell & Ward.  
 Wright, W. S.

## PASO ROBLES, San Luis Obispo Co.—

Putnam, Chas. G.  
 Greene, Carlton W.  
 Webster, A.

## PETALUMA, Sonoma Co.—

Cromwell, F. A.  
 Denny, T. C., Superior Judge.  
 Early, W. H.  
 Fury, Chas. F.  
 Green, Lyman.  
 Hall, G. P., City Atty.  
 Haskell, W. B.  
 Johnson, Newton A.  
 Howell, Fred S.  
 Lippitt & Lippitt.  
 Meyer, F. A.  
 Rankin, L. E.

## PLACERVILLE, El Dorado Co.—

Arnot, N. D., Supr. Judge.  
 Bennett, M. P.  
 Bray, W. F.  
 Darling, A.  
 Howard, Clarke.  
 Irwin, F.  
 Miller, J. P. G.  
 Peters, C. E.  
 Thompson, George H., Dist. Atty.  
 Witmer, E. W.

## PLEASANTON, Alameda Co.—

Donahue & Gale.  
 Harris, T. W., Superior Judge.  
 Palmer, Jno. R.

## PLYMOUTH, Amador Co.—

Burgon, Geo. A.  
 Ekel, John J.  
 Orr, F. A.

**POMONA, Los Angeles Co.—**

Burnham, J. E.  
 Gallup, J. A.  
 Garret, W. A.  
 Guerin & Guerin.  
 Guerin, C. W.  
 Hyatt, Frank H.  
 Joos, J. W.  
 Molyneaux, F. A.  
 Neeley, John H.  
 Nichols, Allen P.  
 Nichols & Pitzer.  
 Tamlin, W. L.

**PORTERSVILLE, Tulare Co.—**

Boller, J. F.  
 Clarke, L. J.  
 Lindsay, E. Lee.  
 Murray, Geo. G.

**QUINCY, Plumas Co.—**

Boyle, J. A.  
 Hughes, L. H.  
 Kellogg, W. W.  
 Kerr, Chas. E., Dist. Atty.  
 McLaughlin, J. D.  
 Moncur, J. O., Supr. Judge.  
 Peter, L. N.  
 Wolfe, H. B.

**RAYMOND, Madera Co.—**

Lockton, David.

**RED BLUFF, Tehama Co.—**

Andrews, H. P.  
 Cheatham, M. J.  
 Coffman, P. H.  
 Ellison, J. F., Supr. Judge.  
 Fish, W. A., Dist. Atty.  
 Gernon, N. A.  
 Johnson, W. P.  
 Ludeman, Arthur.  
 McCoy, A. M.  
 McCoy & Gans.  
 Matlock, J. T. Jr.  
 Pendleton, E. C.  
 True, J. N.  
 Wells, Jno. J.

**REDDING, Shasta Co.—**

Barber, J. E., Supr. Judge.  
 Braynard, C. H.  
 Bush, G.  
 Carr, F.  
 Chenoweth, Orr M.  
 Estep, Jas. G.  
 Frisbee, N. B.  
 Head, C. M., Supr. Judge.  
 Herzinger & Herzinger.  
 Primm, F. P.  
 Reid, D. G.  
 Reid & Dozier.  
 Shanahan, T. W.

**REDDING, Shasta Co.—Continued.**

Tillotson, W. D.  
 Witherow, S. N., Clk. Ct.

**REDLANDS, San Bernardino Co.—**

Allen, Halsey W.  
 Campbell, E. C.  
 Chapman, C. E.  
 Dewhirst, H. L.  
 Field, K. H.  
 Foster, A. M.  
 Melver, Peter G.  
 Patterson, E. B.  
 Pratt, Edgar G.  
 Ruggles, Chas. A.  
 Tisdale, Wm. M.  
 Truesdell, C. E.

**REDONDO BEACH, Los Angeles Co.—**

Perry, Frank L.

**REDWOOD CITY, San Mateo Co.—**

Buck, G. H., Supr. Judge.  
 Fitzpatrick, E. F.  
 Kincaid, Archer.  
 Mansfield, Albert.  
 Nash, Jos. H., Clk. Supr. Ct.  
 O'Keefe, Jas. T.  
 Ross & Ross.  
 Swart, Franklin, Dist. Atty.  
 Walker, H. W.

**RIALTO, San Bernardino Co.—**

Hodge, R. E.

**RICHMOND, Contra Costa Co.—**

Alvarado, H. V.  
 Clark, C. A.  
 De Lap, T. H.  
 Grimm, Benj. H.  
 Hall, D. J.  
 Odell, C. A.  
 Smith, Frank.  
 Windrem, L. D.  
 Windrem & Johnston.

**RIVERSIDE, Riverside Co.—**

Allen, T. M.  
 Best, Raymond C.  
 Benshoff, C. W.  
 Carnahan, H. L.  
 Collier & Craig.  
 Cornish, A. D.  
 Craig, H. H.  
 Davison, W. C.  
 Densmore, F. E., Supr. Judge.  
 Drew, Asa W.  
 Ellis, W. H.  
 Estudillo, Miguel.  
 Evans, Lyman, Dist. Atty.  
 French, George A.  
 Gill, L.  
 Gray, Chas. R.  
 Harger, K. D.  
 Hibbard, H. C.  
 Irving, W. G.

## RIVERSIDE, Riverside Co.—Continued.

McFarland, L. L.  
 Nightingale, T. S.  
 North, R. L.  
 Porteous, T. T.  
 Potter, H.  
 Purington & Adair.  
 Sarau, Geo.  
 Sanders, O. P.  
 Strang, John R.  
 Thompson, H. L.  
 Webb, Holton.  
 Winder, A. H.

## ROSEVILLE, Sacramento Co.—

Gibson, J. B.

## ST. HELENA, Napa Co.—

Nowland, J. A.

## SACRAMENTO, Sacramento Co.—

Adams, J. W.  
 Anderson, W. A.  
 Aram, Eugene.  
 Ashby, W. H.  
 Atkinson, F. F., Dep. Dist. Atty.

Baker, Chas. W.  
 Bauer, John.  
 Beckwith, Chas. M.  
 Bidwell, C. H. S.  
 Bliss, Chas. A.  
 Bradford, H. B.  
 Brown, J. Frank.  
 Brown, J. Q.  
 Burnett, A. G., Judge Ct. Appl.  
 Busick, C. O.  
 Butler & Swisler.

Carleton, C. C.  
 Carragher, W. J.  
 Chipman, N. P., Judge Ct. Appl.  
 Christiansen, T. H.  
 Clarken, R. M.  
 Cornell, J. D.  
 Cothrin, Foye.  
 Crocker, Chas. H.  
 Dalton, Alfred Jr.  
 Daly, J. S.  
 De Ligne, A. A.  
 De Ligne & Jones.  
 Derby, H. S.  
 Devlin, Wm. A.  
 Devlin & Devlin.  
 Downey & Pullen.  
 Driver, B. F.  
 Driver, P. S.  
 Dunn, Cowan & Brand.  
 Dunn, L. H.  
 Dyas, W. G.  
 Elliott, C. A.  
 Farron, Sam'l E.

## SACRAMENTO, Sacramento Co.—Continued.

George & Hinsdale.  
 George, W. F.  
 Gett, William A.  
 Glenn & Waring.  
 Greene & Smith.  
 Harber, Clinton E.  
 Harris & March.  
 Harris, Chas. B.  
 Hart, A. L. Jr.  
 Hart, E. C., Judge Ct. Appl.  
 Hart & Pipher.  
 Hart, S. R.  
 Hatfield, L. T.  
 Hatfield, Victor L.  
 Henley, W.  
 Holl & Holl.  
 Hopkins, O. G.  
 Howard, B. F.  
 Howe, S. L.  
 Howe, Wm. S.  
 Hughes, J. R.  
 Hughes, Jos. W., Supr. Judge.  
 Inman, J. M.

Jackson, E. R.  
 Johnson, Grove L.  
 Johnson, P. H.  
 Johnson & Lemmon.  
 Johnston, John W.  
 Jones, C. T.  
 Jones, J. Chas.  
 Kleinsorge, William E.  
 Larue, H. M. Jr.  
 Latta, Wm. A.  
 Leeper, Thos. B.  
 McCurdy, A. H.  
 McLaughlin, C. E., Judge.  
 McKisick, R. T.  
 Madison, A. J.  
 March, John C.  
 Mars, Frank L.  
 Melteen, C. F.  
 Metteer, C. F.  
 Meredith & Landis.

O'Brien, Frank J.  
 Needham, Irving.  
 Phipps, W. T.  
 Pittman, W. B.  
 Platnauer, Rafael.  
 Post, C. N., Supr. Judge.  
 Prewett, J. O.  
 Renfro, W. F.  
 Reynolds, A. B.  
 Rullen, J. F.  
 Seymour & Yell.

## SACRAMENTO, Sacramento Co.—Continued.

Shelley, Hoag & Leeper.  
 Shields, P. J., Supr. Judge.  
 Shinn, Robt. L.  
 Shinn, A. L.  
 Shinn & Shinn.  
 Smith, Albert D.  
 Soule, E. G.  
 Soule, H. G.  
 Swezy, C. E.  
 Tabor, A. R.  
 Thomas, C. W. Jr.  
 Thomas, J. C.  
 Tuttle, Chas. A.  
 Wachhorst, E. S., Dist. Atty.  
 Warhaftig, M. S.  
 Wharton, Z. F.  
 White, Miller, Needham & Harber.  
 White, Clinton L.

## SALINAS, Monterey Co.—

Alexander & Alexander.  
 Andresen & Sargent.  
 Andresen, J. A.  
 Bardin, J. A.  
 Browne, Maxwell.  
 Coan, J. W.  
 Daugherty, G. A.  
 Daugherty & Lacey.  
 Feliz, Fred P.  
 Fontes, Frank.  
 Lacey, C. F.  
 Norris & Warth.  
 Pence, W. M.  
 Renison, Thos.  
 Rosendale, C. B.  
 Sargent, B. V.  
 White, W. S.  
 Zabala, P. E.

## SAN ANDREAS, Calaveras Co.—

Dower, Will A.  
 Hancock, John.  
 McSorley, A. I., Supr. Judge.  
 Reed, I. H.  
 Snyder & Snyder.  
 Solinsky, F. J.  
 Wehe, F. R.

## SAN ANSELMO, Marin Co.—

Goddard, E. N.

## SAN BERNARDINO, San Bernardino Co.—

Allison, C. L.  
 Barnes, J. W.  
 Bates & Hodge.  
 Bledsoe, Benj., Supr. Judge.  
 Bledsoe, R. E.  
 Brown, John Jr.  
 Campbell, Jno. L.

## SAN BERNARDINO, San Bernardino Co.—Continued.

Chase, Herbert H.  
 Curtis & McNabb.  
 Curtis, J. W.  
 Daley & Byrne.  
 Daley, F. E.  
 Duckworth, T. W.  
 Frugillo, Albert D.  
 Goodcell, R. B., Dist. Atty.  
 Goodcell & Waters.  
 Goodcell, H. Jr.  
 Hartzel, Walter J.  
 Haskell, C. C.  
 Hellyer, Geo. W.  
 Johnson, Geo. H.  
 Katz, E.  
 Leonard & Surr.  
 Leonard, J. A.  
 McHargue, Robt. M.  
 Mack, J. L.  
 Marks, C. H.  
 Oster, F. F., Supr. Judge.  
 Pittman, S. M.  
 Stephenson, J. W.  
 Swing, R.  
 Willis & Gutherie.  
 Willis, H. M.

## SAN DIEGO, San Diego Co.—

Amos, A.  
 Andrews, C. N.  
 Andrews, Percy.  
 Andrews, W. R.  
 Bancroft, G.  
 Barnes, Alexander J.  
 Baxter, W. L.  
 Binnard, M.  
 Boone, L. L.  
 Bowman, A. B.  
 Briggs & Seavey.  
 Brumback, A. M. & E. B.  
 Bryan, Solon, J. P.  
 Burch, Charles E.  
 Burkhardt, Y. C.  
 Burr, L. L.  
 Byrd, C. T.  
 Capps, E. E.  
 Carter, Geo. S.  
 Casey, P. H.  
 Chalk, D. D.  
 Chambers, C. L.  
 Chatterson, J. M.  
 Clasen, F. J.  
 Cleveland, D.  
 Coffield, H. B.  
 Collier, D. C. Jr.  
 Comly, H. R.  
 Conrad, Grant.  
 Connell, Stephen.  
 Cox, Ezra.

## SAN DIEGO, San Diego Co.—Continued.

Crouch & Harris.  
 Cushman, W. R.  
 Dadmun, L. E.  
 Daney, Eugene.  
 Daniel, H. B.  
 Davin, E. L.  
 Doolittle, H. E.  
 Ecker, W. H. C.  
 Egermayer, J. H.  
 Estep, W. G.  
 Fisher, G. W.  
 Fleming, M. H.  
 Forward, Chas. H.  
 Francis, W. H.  
 Francis, W. W.  
 French, Arthur T.  
 French, G. K.  
 Garfield, G. W.  
 Ginder, William E.  
 Glidden & Hotchkiss.  
 Gray, Gordon L.  
 Guinon, M. F.  
 Guy, W. R., Supr. Judge.  
 Haines & Haines.  
 Haines, A.  
 Hammack, N. S.  
 Harris, R. M.  
 Hendrick, E. W.  
 Heskett, F. H.  
 Hizar, J. C.  
 Hodge, Frank.  
 Hoff, G. F.  
 Hopkins, H. C., Dep. Dist. Atty.  
 Hubbell, L. E.  
 Humphrey, Wm.  
 Ingle, Gordon.  
 Johns, Wm. H.  
 Johnson, Carl Alex.  
 Jordan, A. D.  
 Keating, J. E.  
 Kendall, E. I.  
 Kew, M.  
 King, J. D.  
 Kipp, Sylvester.  
 Kipp, V. S.  
 Kirby, L. R.  
 Kirby & Reed.  
 Kirk, E. E.  
 Lacey, Sherman.  
 Lamme, E. H.  
 Lamradid, Thomas.  
 Lannon, Edw. T.  
 Leovy & Leovy.  
 Leovy, Geo. J.

## SAN DIEGO, San Diego Co.—Continued.

Lewis, T. L., Supr. Judge.  
 Lockwood, E.  
 Luce, Sloane & Luce.  
 McKee, C. W.  
 McKee, E. D.  
 Mahoney, D. V.  
 Mannix, John B.  
 Miller, G. I.  
 Mills & O'Farrell.  
 Moody, H. L.  
 Moore, J. H.  
 Morganstern, A. J.  
 Morrison, Wm. L.  
 Mossholder, Mark P.  
 Mossholder, R. P.  
 Mossholder, W. J.  
 Mouser, A. C.  
 Mouser, H. S.  
 Muir, Orin N.  
 North, S. G.  
 O'Farrell, Fred.  
 O'Keefe, Jas. E.  
 O'Neal, S. D.  
 Olmstead, M. L.  
 Owers, F. W.  
 Palmer, H. H.  
 Palmer, Tyndall.  
 Peterson, E. W.  
 Phillipi, J. B.  
 Pickford, R. H.  
 Pritchard, Chas. P.  
 Puterbaugh, J.  
 Quirk, James.  
 Ramsdell, C. G.  
 Reed, T.  
 Riall, E.  
 Riley & Hubbell.  
 Rippey, C. H.  
 Robbins, Marcus W.  
 Rodgers, T. S.  
 Rogers, W. J.  
 Roup, C. J.  
 Ryan, Thomas.  
 Sackett, S. A.  
 Sayre, Hardy F.  
 Scheld, H. W.  
 Schoonover, Albert  
 Schroeder, Otto.  
 Seavey, E. L.  
 Selleck, C. G.  
 Shea, M.  
 Shreve, Dorn & Shreve.  
 Sloane, Harrison G.  
 Sloane, W. A.  
 Smith, E. F.



## SAN DIEGO, San Diego Co.—Continued.

Smith, Sam F.  
 Sorenson, M.  
 Soto, J. M.  
 Sparks, H. H.  
 Sparks, Ray.  
 Spriggs, P.  
 Stevens, Fred.  
 Stevens, T.  
 Summer, C. E.  
 Swancara, Frank.  
 Sweet, A. H.  
 Swope, B. F.  
 Taylor, D. G.  
 Thomas, E. L.  
 Thompson, Adam.  
 Thorp, M. R.  
 Titus, H. L.  
 Titus, Horton.  
 Torrance, E. S.  
 Torrance, E. Swift.  
 Tucker, J. Z.  
 Utley, H. S., Dist. Atty.  
 Utt, L. J.  
 Valenzuela, M. R.  
 Van Winkle, C. H.  
 Wadham & Cosgrove.  
 Wadham, Jas. E.  
 Walker, C. A.  
 Ward & Ward.  
 Ward, J. M.  
 Ward, M. L.  
 Watson, Geo. B.  
 Weinberger, J.  
 Welch, L. D.  
 Wheeler, O. W.  
 White, Guy C.  
 Wright & Winnek.  
 Wright, L. A.  
 Wright, A. F. H.  
 Wynn, C. H.  
 Zastrom, L. H.

## SAN FRANCISCO, San Francisco Co.—

Abbott, Wm. M., Holbrook Bldg.;  
 Sutter 3200.  
 Ach, Henry, 316 Balboa Bldg.;  
 Kearny 29.  
 Acker, N. A., Foxcroft Bldg.;  
 Kearny 4289.  
 Ackerman, I. C., Humboldt Bk.  
 Bldg., Kearny 5859.  
 Ackerman, L. S., Nevada Bk. Bldg.;  
 Kearny 3825.  
 Ackerman & Oppenheim, Humb. Bk.  
 Bldg.; Kearny 5859.

## SAN FRANCISCO, San Francisco Co.—Continued.

Acton, Wm. B., Merchants Ex.  
 Bldg.; Sutter 2725.  
 Adams, Annette A., Monad. Bldg.;  
 Sutter 3388.  
 Adams, C. A., Humboldt Bk. Bldg.;  
 Douglas 275.  
 Adams, C. F., Mills Bldg.; Douglas  
 238.  
 Adams, E. M., 2777 Pine St.  
 Adams & Adams, Humb. Bk. Bldg.;  
 Douglas 275.  
 Aikins, Broute M., Mills Bldg.  
 Ainsworth, R. T., Mills Bldg., Sut-  
 ter 1116.  
 Aitken & Aitken, Monadnock Bldg.;  
 Douglas 2522.  
 Alexander, Jewel, Mills Bldg.;  
 Kearny 752.  
 Alexander, D. E., Pacific Bldg.;  
 Douglas 1538.  
 Alexander, J. E., Mills Bldg.; Sutter  
 1140.  
 Alexander & O'Donnell, Pacific  
 Bldg.; Douglas 1538.  
 Allan, Thos. A., Alaska Coml. Bldg.;  
 Sutter 2360.  
 Allen, H. C., Mills Bldg.; Douglas  
 4188.  
 Allen, E. O., Monadnock Bldg.;  
 Kearny 2191.  
 Allen, W. W. Jr., Humb. Bk. Bldg.;  
 Douglas 1110.  
 Ailing, Horatio, Mills Bldg.; Sutter  
 2054.  
 Ames, B. F., 251 Kearny; Douglas  
 2430.  
 Ames, Fisher, Pacific Bldg.; Doug-  
 las 2780.  
 Ames & Manning, Pacific Bldg.;  
 Douglas 2780.  
 Andrews, W. S., Nevada Bank  
 Bldg.; Douglas 715.  
 Andros & Hengster, Kohl Bldg.;  
 Sutter 666.  
 Anthony, H. M., Monadnock Bldg.;  
 Kearny 1676.  
 Anthony, Marc, 964 Market; Frank-  
 lin 827.  
 Antonovich, Wm. G., 604 Montgy.;  
 Douglas 1858.  
 Appell, Geo., Clunie Bldg.; Sutter  
 2140.  
 Armstrong, C. H., Phelan Bldg.;  
 Douglas 1827.  
 Armstrong, R. M. J., 250 Montgom-  
 ery; Sutter 1250.  
 Asher, H. K., French Bank Bldg.;  
 Kearny 3405.

**SAN FRANCISCO, San Francisco Co.—**  
Continued.

Asher, Meyerstein & McNutt,  
French Bank Bldg.; Kearny 3405.  
Asher, M., 522 Lyon; West 7321.  
Asher, M. L., Merchants Natl. Bk.  
Bldg.; Douglas 1787.  
Athearn, F. G., Balboa Bldg.;  
Sutter 2713.  
Atwood, C. G., Mills Bldg.; Douglas  
1872.  
Austin, F. B., Flood Bldg.; Kearny  
3160.  
Aydelotte, Wm. M., Hearst Bldg.;  
Sutter 640.  
  
Bacigalupi, Jas. A., Bk. of Italy  
Bldg.; Douglas 3470.  
Bacigalupi & Elkins, Bk. of Italy  
Bldg.; Sutter 1321.  
Bacigalupi & Elkins, Bk. of Italy  
Bldg., Sutter 1321.  
Bacon, W. R., Call Bldg.; Sutter  
1443.  
Badt, Milton B., Chronicle Bldg.;  
Kearny 3340.  
Baer, Chas., Pacific Bldg.; Sutter  
914.  
Bahrs, G. H., Humboldt Bk. Bldg.;  
Kearny 4670.  
Baldwin, A. R., Mills Bldg.; Sutter  
1651.  
Baldwin, Lloyd, Mills Bldg.; Doug-  
las 799.  
Ball, A. E., Mills Bldg.; Douglas  
1339.  
Ball, Byron, Pacific Bldg.; Sutter  
530.  
Ballantine, J. A., Monadnock Bldg.;  
Kearny 621.  
Bancroft, Philip, Monadnock Bldg.;  
Kearny 972.  
Bar Assn., Pacific Bldg.; Douglas  
1536.  
Baraty, G. L., Humboldt Bank  
Bldg.; Douglas 1321.  
Barber, O. T., Merchants Natl. Bk.  
Bldg.; Sutter 5010.  
Barendt, A. H., Mills Bldg.; Doug-  
las 1838.  
Barkley, G. S., Hewes Bldg.; Sutter  
2338.  
Barnard, Archibald, Merchants Natl.  
Bk. Bldg.; Kearny 97.  
Barnett, A. T., City Hall; Market  
3201.  
Barnett, John F., Mills Bldg.;  
Kearny 4067.  
Barrett, E. T., Humboldt Bk. Bldg.;  
Douglas 5983.  
Barrett, John J., Flood Bldg.;  
Kearny 2960.

**SAN FRANCISCO, San Francisco Co.—**  
Continued.

Barrett, R. W., Humboldt Bk.  
Bldg.; Kearny 5861.  
Barrett & Thomas, Humboldt Bk.  
Bldg.; Kearny 5861.  
Barrows & Barrows, Mut. Bk. Bldg.;  
Kearny 3285.  
Barry, J. E., NW. Pine & Leides-  
dorff; Kearny 4011.  
Bartlett, Louis, Call Bldg.; Kearny  
5750.  
Bates, Geo. E., 333 Kearny; Sutter  
616.  
Bath, E. G., Mills Bldg.; Sutter  
2054.  
Bauer, H. A., Merchants Ex. Bldg.;  
Sutter 2626.  
Baum, A. R., Mills Bldg.; Sutter  
1768.  
Baumberger, E. J., Pacific Bldg.;  
Douglas 1857.  
Bayne, Richard, Crocker Bldg.,  
Kearny 4056.  
Beach, H. C., Standard Oil Bldg.,  
Kearny 102.  
Beatty, H. N., Mills Bldg.; Douglas  
1339.  
Becsey, Roland, Call Bldg.; Kearny  
4207.  
Bedford, W. W., Mechanics Bldg.;  
Douglas 3493.  
Beedy, Louis S., Alaska Coml.  
Bldg.; Kearny 3945.  
Belcher, E. A., Union League Club;  
Douglas 4540.  
Bell, F. V., Mills Bldg.; Sutter 46.  
Bell, Geo. L., Kohl Bldg.; Sutter  
666.  
Bell, Golden W., Kohl Bldg.; Sutter  
666.  
Bell, Theodore, Crocker Bldg.;  
Douglas 259.  
Bellew, E. R., Call Bldg.; Douglas  
4913.  
Benham, G. B., Hearst Bldg.;  
Kearny 3485.  
Benjamin, P. L., Pacific Bldg.;  
Douglas 602.  
Bennett, J. E., Humboldt Bk. Bldg.;  
Douglas 3097.  
Berretta, J. W., Humboldt Bk.  
Bldg.; Sutter 1056.  
Bergerot, P. A., French Bk. Bldg.;  
Kearny 1978.  
Bergin, T. I., 2012 Jackson; Fill-  
more 3345.  
Berry, F. L., Hall of Justice; Mar-  
ket 3201.  
Berry, Olin M., Merchants Natl. Bk.  
Bldg.; Kearny 2734.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Bianchi, A. B., Monadnock Bldg.; Douglas 2522.  
 Bianchi, Jr., Eugene, Mechanics Inst. Bldg.; Kearny 4543.  
 Biddle, J. H., Mills Bldg.; Sutter 1140.  
 Bien, Jos. E., 209 Post; Kearny 2000.  
 Bien & Jackson, 209 Post; Kearny 2000.  
 Birnbaum, Milton, 273 Valencia; Market 10.  
 Bishop, Tyndall, 311 California.  
 Black, A. P., Mechanics Bank Bldg.; Sutter 750.  
 Blake, J. M., Mills Bldg.; Douglas 5990.  
 Blakeman, T. Z., 420 Phelan Bldg.; Kearny 4311.  
 Blanchard, M. S., Foxcroft Bldg.; Douglas 1794.  
 Bledsoe, A. J., Merchants Natl. Bk. Bldg.; Douglas 3077.  
 Block, Benj., Foxcroft Bldg.; Douglas 4996.  
 Bloom, S., Foxcroft Bldg.; Douglas 745.  
 Blum, Max, 255 California; Douglas 950.  
 Bluxome, Jos. F., Nevada Bk. Bldg.; Kearny 833.  
 Boalt, G. D., 1st Natl. Bank Bldg.; Sutter 1036.  
 Boardman, L. P., Crocker Bldg.; Kearny 5548.  
 Bogue, Samuel R., Mills Bldg.; Douglas 5289.  
 Boland, F. E., Sharon Bldg.; Sutter 4600.  
 Bolton, A. E., Crocker Bldg.; Kearny 2487.  
 Booth, Wm. F., Foxcroft Bldg.; Kearny 4289.  
 Borland, Robt. H., Cal.-Pac. Bldg.; Sutter 3144.  
 Bosley, W. B., 445 Sutter; Franklin 140.  
 Botts, E. J., Humboldt Bk. Bldg.; Douglas 1110.  
 Bourdette, J. W., Call Bldg.; Kearny 4630.  
 Bourdette & James, Call Bldg.; Kearny 4630.  
 Bowie, J. F., Nevada Bk. Bldg.; Douglas 715.  
 Boyer, J. H., Merch. Natl. Bk. Bldg.; Douglas 832.  
 Boynton, A. E., Alaska Coml. Bldg.; Sutter 2345.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Boynton, C. C., Mills Bldg.; Kearny 4399.  
 Brady, F. E., Mills Bldg.; Douglas 1707.  
 Branagan, A. J., Underwood Bldg.; Kearny 3154.  
 Brand, Arthur, Pacific Bldg.; Douglas 3544.  
 Brandenstein, H. U., Mills Bldg.; Kearny 5758.  
 Brandon, F. D., Hewes Bldg.; Douglas 4896.  
 Brandt, I. B. L., Mills Bldg.; Douglas 1804.  
 Brann, W. S., Monadnock Bldg.; Kearny 5290.  
 Bray, A. F. Jr., Nevada Bk. Bldg.; Kearny 833.  
 Breen, P. A., Chronicle Bldg.; Kearny 3282.  
 Breen & Kelly, Humboldt Bldg.; Kearny 5740.  
 Breeze, T. H., Mills Bldg.; Douglas 5289.  
 Brennan & Lane, Kohl Bldg.; Kearny 783.  
 Breslauer, T. L., Humboldt Bk. Bldg.; Sutter 2654.  
 Bride, John R., Merch. Natl. Bk. Bldg.; Kearny 5126.  
 Bridgford, E. A., Clunie Bldg.; Douglas 4014.  
 Briggs, H. F., Mills Bldg.; Sutter 1555.  
 Brittain, F. S., Merch. Natl. Bk. Bldg.; Kearny 1221.  
 Brobeck, W. I., Crocker Bldg.; Sutter 666.  
 Brodsky, H. J., 91 Drumm; Kearny 4350.  
 Brookman, Douglas, Coml. Bldg.; Sutter 2544.  
 Brown, A. J., Foxcroft Bldg.; Sutter 2544.  
 Brown, Chas. L., Pacific Bldg.; Sutter 914.  
 Brown, F. D., Humboldt Bk. Bldg.; Kearny 5861.  
 Brown, I. I., Nevada Bk. Bldg.; Douglas 346.  
 Brown & Baer, Pacific Bldg.; Sutter 914.  
 Brownstone, L. H., Chronicle Bldg.; Kearny 3340.  
 Brun & Fairchild, French Bk. Bldg.; Douglas 3287.  
 Brune, E. L., Chronicle Bldg.; Kearny 3876.  
 Bryan, W. H., Monadnock Bldg.; Kearny 2487.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Buck, F. H. Jr., Chronicle Bldg.;  
Sutter 931.  
Bufford, C. M., Call Bldg.; Douglas  
4232.  
Bull, F. P., Pacific Bldg.; Douglas  
2623.  
Bunker, W. B., Crocker Bldg.;  
Douglas 1668.  
Burbank, D. W., 1st Natl. Bk.  
Bldg.; Sutter 345.  
Burke, Andrew F., Flood Bldg.;  
Kearny 3116.  
Burks, L. E. Mills Bldg.; Kearny  
4067.  
Burnett, J. M., Humboldt Bk. Bldg.;  
Sutter 1056.  
Burnett, Lester G., Humboldt Bk.  
Bldg.; Douglas 5447.  
Burnett, W. S., Newhall Bldg.;  
Kearny 2897.  
Burnett, W. W., Kohl Bldg.;  
Kearny 783.  
Busch, Geo. H., Merch. Natl. Bk.  
Bldg.; Sutter 2698.  
Bush, Saml. T., Monadnock Bldg.;  
Douglas 2602.  
Byington, L. F., Call Bldg.; Douglas  
99.  
Byrne, L. D., Monadnock Bldg.;  
Kearny 2008.

Cadwalader, B. L., 454 Montgomery  
St.  
Cahen, Adolf, Mills Bldg.; Douglas  
826.  
Cailleaud, A. A., Mills Bldg.; Sutter  
2311.  
Calahan, C. B., 1112 Market; Mar-  
ket 2993.  
Calden, G. C., 34 Ellis; Kearny  
5410.  
Caminetti, A., Jr., Alaska Coml.  
Bldg.; Sutter 940.  
Campbell, Archie, Pacific Bldg.;  
Sutter 2832.  
Campbell, D. Y., 260 California;  
Kearny 2576.  
Campbell, Ira A., Merch. Ex. Bldg.;  
Kearny 2897.  
Campbell, J. C., Mills Bldg.; Sutter  
1720.  
Cannon, K. W., Holbrook Bldg.;  
Sutter 3200.  
Cannon, Wm. M., Holbrook Bldg.;  
Sutter 3200.  
Cantrell, R. W., First Natl. Bk.  
Bldg.; Sutter 2467.  
Carey, M. R., First Natl. Bk. Bldg.;  
Douglas 530.

SAN FRANCISCO, San Francisco Co.—  
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Carne, J. E., 3248 Mission; Mission  
1328.  
Carr, Sterling, Holbrook Bldg.;  
Douglas 511.  
Casey, Hiram E., French Bk.  
Bldg.; Kearny 3405.  
Cashman, W. E., Royal Ina. Bldg.;  
Kearny 4557.  
Casserly, J. B., Pacific Bldg.; Dou-  
glas 1311.  
Castelhun, F. J., Hewes Bldg.;  
Douglas 1861.  
Cator, T. V., 3908 23d St.; Mission  
3044.  
Cauby, W. P., Grant Bldg.; Market  
5737.  
Cavagnaro, Jos. F., 604 Montgomery  
St.; Douglas 1858.  
Cavitt, W. C., Hearst Bldg.; Sutter  
1764.  
Cerf, Marcel E., City Hall; Douglas  
1196.  
Chadbourne, H. F., Foxcroft Bldg.;  
Kearny 988.  
Chamberlain, W. H., Pacific Bldg.;  
Douglas 2638.  
Chapman, E. C., Mills Bldg.; Dou-  
glas 2924.  
Chapman, I. F., Balboa Bldg.;  
Kearny 1555.  
Chapman, W. H., Foxcroft Bldg.;  
Kearny 3319.  
Chappel, R. N., Pacific Bldg.; Dou-  
glas, 231.  
Chester, T. W., Merch. Natl. Bk.  
Bldg.; Kearny 1221.  
Chickering, A. L., Merchants Ex.  
Bldg.; Kearny 2273.  
Chickering, W. H., Merchants Ex.  
Bldg.; Kearny 2273.  
Chickering & Gregory, Merchants  
Exch. Bldg.; Kearny 2273.  
Chloupek, E. L., Chronicle Bldg.;  
Kearny 3876.  
Choynski, Herbert, French Bk.  
Bldg.; Kearny 5879.  
Choynski, M. L., Merchants Exch.  
Bldg.; Kearny 3870.  
Chretien, J. M., Foxcroft Bldg.;  
Kearny 3319.  
Christie, Walter, Call Bldg.; Kearny  
4658.  
Christin, Charles A., Foxcroft Bldg.;  
Kearny 988.  
Clark, Geo., Mechanics Bank Bldg.;  
Sutter 750.  
Clark, W. P., Call Bldg.; Sutter  
428.  
Clarke, F. E., Mills Bldg.; Douglas  
3664.

SAN FRANCISCO, San Francisco Co.—  
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Clarke, F. M., Merch. Natl. Bk. Bldg.; Douglas 3666.  
 Clarke & Kinsey, Merch. Natl. Bk. Bldg.; Douglas 3666.  
 Clausen, E. A., Humboldt Bk. Bldg.; Douglas 5983.  
 Clay, W. H., Pacific Bldg.; Douglas 915.  
 Clayberg & Whitmore, Pacific Bldg.; Sutter 470.  
 Cleary, Frank, Flood Bldg.; Kearny 3160.  
 Clute, John F., Royal Ins. Bldg. Sutter 1935.  
 Cobb, W. H., Humboldt Bk. Bldg.; Sutter 1935.  
 Cochran, J. W., Hearst Bldg.; Kearny 4645.  
 Coffey, E. J., Mills Bldg.; Douglas 1625.  
 Coffey, J. V., Mills Bldg.; Douglas 1625.  
 Coghlan, J. P., 445 Sutter; Sutter 140.  
 Coghlan, J. J., Royal Ins. Bldg.; Kearny 4557.  
 Colby, W. E., Mills Bldg.; Sutter 1116.  
 Colston, J. E., Pacific Bldg.; Kearny 3510.  
 Colton, A. O., Mills Bldg.; Douglas 1707.  
 Colvin, F. M., Foxcroft Bldg.; Sutter 1798.  
 Comte, A. Jr., 333 Kearny; Douglas 663.  
 Conlan, J. G., City Hall; Market 3201.  
 Conlin, E. F., Mills Bldg.; Douglas 191.  
 Conlin, Henry, Pacific Bldg.; Douglas 2638.  
 Conly, W. H., 251 Kearny; Kearny 5547.  
 Connolly, G. A., Mills Bldg.; Douglas 1350.  
 Coogan, A. J., Merchants Ex. Bldg.; Kearny 3870.  
 Coogan, T. C., Merchants Ex. Bldg.; Kearny 3870.  
 Cook, Carroll, Chronicle Bldg.; Douglas 90.  
 Cook, Finlay, Cal.-Pac. Bldg.; Douglas 523.  
 Cook, Norman D., Pacific Bldg.; Kearny 5966.  
 Cook, Wm. H., Chronicle Bldg.; Douglas 90.  
 Cooley, A. E., 1st Natl. Bk. Bldg.; Sutter 345.

SAN FRANCISCO, San Francisco Co.—  
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Coonan, C., Merchants Natl. Bk. Bldg.; Douglas 520.  
 Cooper, E. T., Crocker Bldg.; Kearny 3918.  
 Cooper, J. A., Mills Bldg.; Kearny 4950.  
 Corbet, Burke, 1st Natl. Bank Bldg.; Kearny 2875.  
 Corbet & Selby, 1st Natl. Bk. Bldg.; Kearny 2875.  
 Cormac, T. E. K., 268 Market; Kearny 4590.  
 Cornish, F. V., Underwood Bldg.; Kearny 3154.  
 Corson, H. L., Foxcroft Bldg.; Douglas 3574.  
 Cosby, Geo. F., Pacific Bldg.; Douglas 5405.  
 Cosgrave, Dave, Merch. Natl. Bk. Bldg.; Sutter 251.  
 Costello, F. A., Phelan Bldg.; Kearny 556.  
 Costello, S. V., Phelan Bldg.; Kearny 556.  
 Costello & Costello, Phelan Bldg.; Kearny 556.  
 Othran, E. E., Russ Bldg.; Douglas 5188.  
 Cotton, A. R., Kohl Bldg.; Kearny 783.  
 Countryman, R. H., Mills Bldg.; Sutter 508.  
 Courneen, Peter F., Mechanics Bldg.; Douglas 3493.  
 Cousins, W. G., Phelan Bldg.; Douglas 4330.  
 Cowdery, J. F., Kohl Bldg.; Kearny 1778.  
 Crabbe, J. H., Pacific Bldg.  
 Craig, Chas. F., Humboldt Bk. Bldg.; Sutter 2040.  
 Craig, J. Early, Clunie Bldg.; Kearny 715.  
 Crane, A., Muirhead Bldg.; Kearny 615.  
 Crawford, F. W., Popular Bk. Bldg.; Douglas 4392.  
 Creed, W. E., Balboa Bldg.; Kearny 738.  
 Creighton, C. E. A., New City Hall, Market 3201.  
 Creswell, H. T., 209 Post; Kearny 1414.  
 Crist, Wiley F., Russ Bldg.; Kearny 1261.  
 Crittenden, J. L., Mills Bldg.; Douglas 5990.  
 Crittenden, W. C., Clunie Bldg.; Kearny 617.

SAN FRANCISCO, San Francisco Co.—  
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Crook, A. H., Merch. Natl. Bk. Bldg.; Douglas 4757.  
 Cross, C. W., Balboa Bldg.; Kearny 4774.  
 Cross, E. H., Mills Bldg.; Kearny 4310.  
 Cross & Newburgh, Balboa Bldg.; Kearny 4774.  
 Crothers & Crothers, Chronicle Bldg.; Kearny 25.  
 Crowley, T. J., Chronicle Bldg.; Kearny 1706.  
 Cruzan, Harold Ide, Call Bldg.  
 Cullinan & Hickey, Phelan Bldg.; Sutter 920.  
 Cunha, E. A., Kohl Bldg.  
 Curley, Jos. T., Pacific Bldg.; Douglas 3481.  
 Curran, T. E., Mills Bldg.; Douglas 1339.  
 Curtin, D. A., Monadnock Bldg.; Kearny 2538.  
 Cushing & Cushing, 1st Natl. Bk. Bldg.; Kearny 1836.  
 Cutler, F. A., Crocker Bldg.; Kearny 4031.  
 Cutten, Chas. P., 445 Sutter; Sutter 140.  
 Daggett, A. K., Nevada Bk. Bldg.; Douglas 40.  
 Dailey, John J., Cal.-Pac. Bldg.; Sutter 551.  
 Dall, C. G., Balboa Bldg.; Kearny 738.  
 Dam, C. L., Clunie Bldg.; Sutter 2140.  
 Dam, F. H., Pacific Bldg.; Douglas 1223.  
 D'Ancona, A. D., City Hall; Market 1612.  
 Daniels, J. R., Foxcroft Bldg.; Kearny 3227.  
 Daniels, R. P., Monadnock Bldg.; Kearny 3596.  
 Dannenbaum, A. J., Pacific Bldg.; Kearny 2817.  
 Davidson, T. D., Flood Bldg.; Kearny 3116.  
 Davidson, W. W., 1028 Market; Market 5267.  
 Davies, W. E., Mechanics Inst. Bldg.; Kearny 4742.  
 Davis, E. B., 200 Bush St.  
 Davis, Geo. M., Mills Bldg.; Kearny 2692.  
 Davis, H. H., Monadnock Bldg.; Douglas 1434.

SAN FRANCISCO, San Francisco Co.—  
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Davis, John F., Humboldt Bk. Bldg.; Douglas 3865.  
 Davis, M. M., City Hall; Market 340.  
 Deahl, J. L., Kohl Bldg.; Kearny 4678.  
 Deal, W. E. F., Mills Bldg.; Douglas 1829.  
 Deal, W. G., Mills Bldg.; Douglas 1829.  
 Deasy, D. C., Hall of Justice; Douglas 1350.  
 Deering, F. D., Nevada Bk. Bldg.; Kearny 1675.  
 Deering, J. H., City Hall; Market 3201.  
 Deirup, J. A., Russ Bldg.; Kearny 1261.  
 De Forest, J. G., Foxcroft Bldg.; Kearny 4451.  
 De Journal, F., Phelan Bldg.; Douglas 3481.  
 De Laveaga, J. V., Mills Bldg.; Douglas 4188.  
 De Laveaga & Magee, Mills Bldg.; Douglas 4188.  
 De Martini, W. J., Mills Bldg.; Sutter 429.  
 Denicke, F. A., Nevada Bk. Bldg.; Kearny 833.  
 Denman, Wm., Merchants Ex. Bldg.; Sutter 3725.  
 Denson, H. B., First Natl. Bk. Bldg.; Sutter 345.  
 Denson, S. C., First Natl. Bk. Bldg.; Sutter 345.  
 Denson, Cooley & Denson, First National Bank; Sutter 345.  
 Derby, S. H., Merchants Ex. Bldg.; Kearny 3182.  
 Derham, Jos., Phelan Bldg.; Sutter 920.  
 Dernham, Monte A., Mills Bldg.; Sutter 1555.  
 Dessouslavy, A. P., French Bk. Bldg.; Kearny 1978.  
 De Vall, A. M., Mills Bldg.; Douglas 5990.  
 Devlin, R. T., Mills Bldg.; Sutter 2225.  
 Devlin, Devlin & Maddux, Mills Bldg.; Sutter 2225.  
 Devoto, Richardson & Devoto, Foxcroft Bldg.; Douglas 1140.  
 Dibble, Oliver, Mills Bldg.; Kearny 3819.  
 Dibblee, A. J., Crocker Bldg.; Kearny 3299.

SAN FRANCISCO, San Francisco Co.—  
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Didion, Geo. N., Pacific Bldg.;  
Douglas 1857.  
Dimmer, J., Monadnock Bldg.;  
Kearny 4014.  
Dinkelspiel, H. G. W., Call Bldg.;  
Kearny 4173.  
Diviny, T. M., 244 Kearny;  
Kearny 734.  
Dobbins, B. W., Pacific Bldg.;  
Douglas 1538.  
Dolan, J. J., Mutual Bk. Bldg.;  
Kearny 3192.  
Dorn, C. D., Phelan Bldg.; Kearny  
1995.  
Dorn, F. A., Phelan Bldg.; Kearny  
1995.  
Dorn, N. A., Phelan Bldg.; Kearny  
1995.  
Dorn, W. E., Hearst Bldg.; Doug-  
las 1719.  
Dorn, Winfield, Merchants Ex.  
Bldg.; Kearny 2273.  
Dorn & Dorn & Savage, Humboldt  
Bank Bldg.; Kearny 5861.  
Dorsey, J. W., Royal Ins. Bldg.;  
Kearny 4557.  
Dorsey & Henderson, 201 San-  
some; Kearny 4557.  
Doud, Wm. E., 306 Bush; Douglas  
3691.  
Dougherty, Geo. J., Phelan Bldg.;  
Kearny 5768.  
Douglas, C. N., 20 Montgomery;  
Douglas 5740.  
Douglass, L. B., Pacific Bldg.;  
Douglas 1538.  
Dow, W. A., Mills Bldg.; Douglas  
2595.  
Downing, W. S., Mills Bldg.;  
Kearny 1266.  
Dozier, Thos. B., 1st Natl. Bk.  
Bldg.; Kearny 1691.  
Draper, T. F., Nevada Bk. Bldg.;  
Kearny 713.  
Dreher, F. L., Bk. of Italy Bldg.;  
Douglas 2746.  
Drew, F. C., Balboa Bldg.; Doug-  
las 2746.  
Drown, W. N., Cal.-Pac. Bldg.;  
Kearny 1435.  
Drown, Leicester & Drown, Cal-  
Pac. Bldg.; Kearny 1435.  
Drum, J. S., S. F. Savings Union  
Bldg.; Kearny 4990.  
Duane, W. H., Hearst Bldg.;  
Sutter 2869.  
Duffy, D. M., Mills Bldg.; Douglas  
763.

SAN FRANCISCO, San Francisco Co.—  
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Duke, R. D., Mills Bldg.; Douglas  
1700.  
Dunand, L. F., Foxcroft Bldg.;  
Kearny 3319.  
Dunkley, L. P., Hearst Bldg.;  
Sutter 2271.  
Dunlap, Boutwell, 1st Natl. Bk.  
Bldg.; Kearny 2369.  
Dunn, Francis, Mills Bldg.; Doug-  
las 1339.  
Dunn, T. F., Grant Bldg.; Mar-  
ket 434.  
Dunne, Hon. F. H., 1907 Leaven-  
worth.  
Dunne, J. J., Mills Bldg.; Douglas  
3664.  
Dunne, P. F., Crocker Bldg.; Sut-  
ter 666.  
Du Py, Octave G., Merch. Ex.  
Bldg.; Kearny 1480.  
Durbrow, C. W., Flood Bldg.;  
Kearny 3160.  
Duryea, F. A., 444 Market; Doug-  
las 2367.  
Dwyer, J. J., Hearst Bldg.; Doug-  
las 422.  
  
Earl, G. C., 233 Post; Sutter 3400.  
Eastin, C. W., Pacific Bldg.; Doug-  
las 3153.  
Eckhoff Wm. T., 20 Montgomery;  
Douglas 5740.  
Eells, C. P., 343 Sansome; Kearny  
5713.  
Eells, H. K., Crocker Bldg.; Kearny  
3918.  
Egan, G. C. W., Nevada Bk. Bldg.;  
Sutter 422.  
Ehrman, S. M., Nevada Bk. Bldg.;  
Kearny 941.  
Eickhoff, Henry, Mills Bldg.; Sut-  
ter 1116.  
Eisner, M. S., Russ Bldg.; Kearny  
3249.  
Eisner, N. A., Crocker Bldg.;  
Kearny 4330.  
Elkins, Luther, Merch. Natl. Bk.  
Bldg.; Douglas 520.  
Elkus, De Y., Bank of Italy Bldg.;  
Sutter 1321.  
Elliot, A. H., 34 Ellis; Kearny  
5410.  
Elsworth, Oliver, Mills Bldg.;  
Douglas 3579.  
English, J. F., New City Hall;  
Market 3201.  
Epsteen, E. M., Chronicle Bldg.;  
Douglas 902.

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Erksine, H. W., Humboldt Bk. Bldg.; Kearny 673.  
 Evans, Perry, Mills Bldg.; Douglas 5289.  
 Eversole, K. C., Mills Bldg.; Sutter 2835.  
 Ey, Frank F., Pacific Bldg.; Sutter 530.  
 Fairall, C. H., Balboa Bldg.; Douglas 737.  
 Fairchild, J. A., French Bk. Bldg.; Douglas 3287.  
 Fallon, J. P., Foxcroft Bldg.; Kearny 4089.  
 Fallon, F. J., Hotel Arlington; Larkin 3800.  
 Farry, Jos., Kohl Bldg.; Douglas 247.  
 Feehan, J. B., Humboldt Bk. Bldg.; Sutter 1056.  
 Fenton, F. L., Mills Bldg.; Sutter 2311.  
 Fenton, J. E., Call Bldg.; Sutter 1846.  
 Ferrari, Louis, Mech. Bk. Bldg.; Douglas 3379.  
 Ferrell, G. D., Merch. Natl. Bk. Bldg.; Douglas 4757.  
 Fickert, C. M., Kohl Bldg.; Kearny 783.  
 Fillippini, J. V. B., French Bk. Bldg.; Kearny 3405.  
 Finch, Fabius T., Hearst Bldg.; Douglas 5676.  
 Finch & Melsted, Hearst Bldg.; Douglas 5676.  
 Fink, Albert, Mills Bldg.; Douglas 246.  
 Fink & White, Mills Bldg.; Douglas 346.  
 Finnell, Bush, Mills Bldg.; Sutter 1584.  
 Firby, Thos. W., Mills Bldg.; Douglas 2684.  
 Firebaugh, C. L., Flood Bldg.; Sutter 590.  
 Fitch, Wm. C., Flood Bldg.; Kearny 3160.  
 Fitzmaurice M. O., Mills Bldg.; Kearny 3094.  
 Fitzpatrick & Greeley, Chron. Bldg.; Kearny 3806.  
 Flannery, J. C., Mills Bldg.; Douglas 191.  
 Fleming, John T., Humboldt Bk. Bldg.; Kearny 5859.  
 Foley, A. B., Chronicle Bldg.; Kearny 1949.

SAN FRANCISCO, San Francisco Co.—  
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Foley & Olivier, Chronicle Bldg.; Kearny 1949.  
 Foley, E. A., Merch. Natl. Bk. Bldg.; Kearny 5126.  
 Ford, Geo. K., Balboa Bldg.; Kearny 1555.  
 Ford, Tirey L., Holbrook Bldg.; Kearny 2928.  
 Forestell, Lewis P., Call Bldg.; Sutter 428.  
 Forster, E. L., Mills Bldg.; Douglas 294.  
 Forsyth, Thos. W., Chronicle Bldg.; Kearny 3716.  
 Foulds, E. J., Flood Bldg.; Kearny 3160.  
 Fourtner, A. L., Mechanics Bldg.; Douglas 3379.  
 Fox, F. St. J., Grant Bldg.; Market 5835.  
 Frank, I. H., Merchants Ex. Bldg.; Kearny 4421.  
 Frank, N. H., Merchants Ex. Bldg.; Kearny 4421.  
 Fraser, L. K., Pacific Bldg.; Douglas 2267.  
 Fratesa, Paul F., Hearst Bldg.; Douglas 5676.  
 Freidenrich, D., Italian-Am. Bldg.; Douglas 1614.  
 Fritz, A. J., Call Bldg.; Douglas 99.  
 Frohman, I., Kohl Bldg.; Kearny 3916.  
 Frohman & Jacobs, Kohl Bldg.; Kearny 3916.  
 Frost, C. A. S., Mills Bldg.; Kearny 1745.  
 Fuhrman, A., 710 Hayes; Park 500.  
 Gadsby, F. L., Balboa Bldg.; Kearny 29.  
 Gale, C. P., Balboa Bldg.; Kearny 2928.  
 Galvin, Stephen, Phelan Bldg.; Douglas 4330.  
 Gardner, C. F., Pacific Bldg.; Douglas 1538.  
 Garland, A. H., Bank of Italy Bldg.; Douglas 3319.  
 Gartlan, Jas., Mutual Bk. Bldg.; Kearny 5992.  
 Gartland, J. B., City Hall; Market 505.  
 Gaylord, R. B., Call Bldg.; Douglas 4232.  
 Gear, H. L., Hewes Bldg.; Kearny 3077.



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Geary, J. L. Jr., Mech. Inst. Bldg.; Kearny 4742.  
 Geballe, Harry, Phelan Bldg.; Sutter 239.  
 Geballe, Oscar, Phelan Bldg.; Sutter 239.  
 Geballe & Geballe, Phelan Bldg.; Sutter 239.  
 Gendotti, J. A., First Natl. Bk. Bldg.; Kearny 2369.  
 Gendotti & Houston, 1st Natl. Bk. Bldg.; Kearny 2369.  
 Getz, M. M., 45 Kearny; Douglas 2964.  
 Gherini, A., Italian-Am. Bk. Bldg.; Douglas 1606.  
 Gibbs, S. W., Monadnock Bldg.; Sutter 90.  
 Gibson, Wm. M., Phelan Bldg.; Douglas 3191.  
 Gillett, J. N., Underwood Bldg.; Kearny 4031.  
 Gillett & Cutler, Underwood Bldg.; Kearny 4031.  
 Gillis, K. C., Alaska Coml. Bldg.; Kearny 3945.  
 Gillogley, E. W., Humb. Bk. Bldg.; Kearny 5936.  
 Gish, J. D., Humboldt Bk. Bldg.; Douglas 971.  
 Gleason, W. J., Foxcroft Bldg.; Douglas 1989.  
 Glensor, H. W., Merchants Ex Bldg.; Kearny 3182.  
 Goble, F. J., Merchants Inst. Bldg.; Sutter 549.  
 Gogarty, H. H., Standard Oil Bldg.; Kearny 102.  
 Goldaracena, O. M., 4 Columbus Ave.; Douglas 4392.  
 Golden, F. J., Merch. Natl. Bk. Bldg.; Douglas 832.  
 Golden, I. M., Mills Bldg.; Douglas 5202.  
 Goldman, H., Mills Bldg.; Douglas 2699.  
 Goldman, Richard S., 1st Natl. Bk. Bldg.; Sutter 1066.  
 Godell, C. J., Alaska Coml. Bldg.; Sutter 2360.  
 Goodfellow, Hugh, 343 Sansome; Kearny 5713.  
 Goodfellow, Eells & Orriek, 343 Sansome; Kearny 5713.  
 Goodrich, C. S., Alaska Coml. Bldg.; Douglas 2742.  
 Gould, H. S., Monadnock Bldg.; Kearny 1676.

SAN FRANCISCO, San Francisco Co.—  
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Gorrill, W. H., First Natl. Bk. Bldg.; Kearny 1836.  
 Gould, F. H., Merch. Natl. Bk. Bldg.; Kearny 4642.  
 Gradwohl, M., Pacific Bldg.; Douglas 3859.  
 Grady, W. D., Russ Bldg.; Douglas 5252.  
 Graham, Hon. Thos., 2368 Vallejo.  
 Grant, Wm., Merch. Natl. Bk. Bldg.; Kearny 4642.  
 Grau, Otto K., Chronicle Bldg.; Kearny 3876.  
 Graupner, A. E., New City Hall; Market 3201.  
 Graves, W. C., Merch. Natl. Bk. Bldg.; Kearny 1200.  
 Gray, Chas. A., Mills Bldg.; Kearny 4950.  
 Gray, R. S., Crocker Bldg.; Sutter 57.  
 Greeley, J. J., Chronicle Bldg.; Kearny 3806.  
 Greeley, Thos. F., Chronicle Bldg.; Kearny 3806.  
 Green, H. L., Phelan Bldg.; Douglas 4566.  
 Green, Humphreys & Green, Holbrook Bldg.; Sutter 367.  
 Green, K. M., Holbrook Bldg.; Sutter 367.  
 Green, Hon. Milton J., Holbrook Bldg.; Sutter 367.  
 Gregory, T. C., Alaska Coml. Bldg.; Sutter 2360.  
 Gregory, Warren, Merchants Ex. Bldg.; Kearny 2273.  
 Griffin, C. P., Pacific Bldg.; Kearny 4815.  
 Griffin, F. A., Mills Bldg.; Douglas 763.  
 Griffin, J. D., Mills Bldg.; Sutter 4779.  
 Guilfoyle, J. J. Jr., 3547 21st St.  
 Gunther, E. W., Kohl Bldg.; Kearny 5390.  
 Gunzendorfer, G., 127 Montgomery; Douglas 1333.  
 Gutsch, Gustav, Holbrook Bldg.; Kearny 3855.  
 Haber, Jos. Jr., Flood Bldg.; Sutter 590.  
 Hadsell, D., Foxcroft Bldg.; Sutter 1525.  
 Haines, M. L., Mills Bldg.; Douglas 5349.  
 Hall, Frederick W., Crocker Bldg.; Kearny 3365.

SAN FRANCISCO, San Francisco Co.—  
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Hall, Gordon, Mills Bldg.; Douglas 246.  
 Halsey, Gerald C., Cal.-Pac. Bldg.; Sutter 3228.  
 Hamilton, W. H., Mills Bldg.; Douglas 237.  
 Hankins, H. J., Pacific Bldg.; Douglas 1225.  
 Hankins, S. J., Pacific Bldg.; Douglas 1225.  
 Hanley, J. M., Kohl Bldg.; Sutter 242.  
 Hanlon, C. F., 504 Phelan Bldg.; Douglas 4330.  
 Hansen, G., 354 Pine; Sutter 764.  
 Hansen, J. H., Call Bldg.; Kearny 4657.  
 Hanson, E. J., Nevada Bk. Bldg.; Douglas 346.  
 Harding & Monroe, Cal.-Pac. Bldg.; Sutter 3144.  
 Harloe, J. D., French Bk. Bldg.; Kearny 5879.  
 Harper, C. K., Monadnock Bldg.; Kearny 794.  
 Harper, J. E., Hewes Bldg.; Sutter 4369.  
 Harris, A. B., Royal Bldg.; Douglas 1196.  
 Harris, I., Hearst Bldg.; Kearny 233.  
 Harris & Hees, Hearst Bldg.; Kearny 233.  
 Harrison, E. C., Mechanics Inst. Bldg.; Douglas 326.  
 Harrison, Maurice E., Mech. Inst. Bldg.; Douglas 326.  
 Harrison, Ralph C., Mills Bldg.; Douglas 799.  
 Harrison, Robt., Clunie Bldg.; Kearny 669.  
 Harrison, Richard C., Mills Bldg.; Douglas 799.  
 Harrison, Robt. W., Humb. Bk. Bldg.; Sutter 1935.  
 Harron, Howard, Chronicle Bldg.; Kearny 5259.  
 Hart, Henry H., City Hall; Market 3201.  
 Hart, W. H. H., Monadnock Bldg.; Sutter 1385.  
 Harwood, A. J., 14 Montgomery; Douglas 523.  
 Hassett, M. C., Foxcroft Bldg.; Douglas 1989.  
 Hatfield, G. J., Crocker Bldg.; Sutter 666.  
 Hathaway, B. F., Mills Bldg.; Douglas 3164.

SAN FRANCISCO, San Francisco Co.—  
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Hathorn, Ralph L., Foxcroft Bldg.; Douglas 1470.  
 Hatton, Geo. F., Humb. Bk. Bldg.; Douglas 1321.  
 Haven, Thos. E., Balboa Bldg.; Sutter 2713.  
 Haven & Athearn, Balboa Bldg.; Sutter 2713.  
 Hawkins, Wm., Postoffice Bldg.; Market 301.  
 Hayden, T. E., Monadnock Bldg.; Douglas 1218.  
 Hayes, Wm. J., Pacific Bldg.; Douglas 1225.  
 Hayne, B. A., Clunie Bldg.; Kearny 715.  
 Hayne, Duncan, Clunie Bldg.; Kearny 715.  
 Healy, Timothy, Humboldt Bk. Bldg.; Sutter 4810.  
 Heaney, John Wm., Mills Bldg.; Douglas 238.  
 Hebbard, J. C. B., Mills Bldg.; Kearny 3094.  
 Heggerty, C. J., Crocker Bldg.; Kearny 4145.  
 Heller, E. S., Nevada Bk. Bldg.; Kearny 941.  
 Heller, Powers & Ehrman, Nev. Bk. Bldg.; Kearny 941.  
 Henderson, C. B., 201 Sansome; Kearny 4557.  
 Henderson, J. W., Humb. Bk. Bldg.; Douglas 1110.  
 Hendricks, Scott, Mills Bldg.; Sutter 1116.  
 Hendrickson, Wm. Jr., Shreve Bldg.; Douglas 3898.  
 Heney, F. J., Phelan Bldg.; Kearny 5724.  
 Hengstler, L. T., Kohl Bldg.; Sutter 666.  
 Hennessy, F. J., Grant Bldg.; Market 3201.  
 Henning, C., Hearst Bldg.; Douglas 2298. C1845.  
 Henshall, R. P., Merch. Natl. Bk. Bldg.; Douglas 520.  
 Hernan, M. H., Holbrook Bldg.; Sutter 3391.  
 Herrin, Wm. F., Flood Bldg.; Douglas 3595.  
 Herrington, Clayton, Humboldt Bldg.; Douglas 5983.  
 Herron, W. F., Humboldt Bk. Bldg.; Douglas 3595.  
 Hess, W. T., Hearst Bldg.; Kearny 233.

SAN FRANCISCO, San Francisco Co.—  
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Hewlett, Geo., Kohl Bldg.; Kearny 5390.  
 Heynemann, A., 832 Mills Bldg.; Kearny 3977.  
 Hickman, F. N., Russ Bldg.; Sutter 2013.  
 Hilborn, L. A., Crocker Bldg.; Kearny 3365.  
 Hillebraadt, F. H., Mutual Bk. Bldg.; Kearny 3271.  
 Hillyer, Curtis, Chronicle Bldg.; Kearny 3716.  
 Hinton, Guy, Pacific Bldg.; Douglas 5820.  
 Hirshberg, D. S., Pacific Bldg.; Douglas 1899.  
 Hobbs, H. W., Flood Bldg.  
 Hobson, H. F., 525 Market; Douglas 1676.  
 Hodghead, Beverly L., Holbrook Bldg.; Sutter 1737.  
 Hoefler, L. M., Cal.-Pac. Bldg.; Douglas 523.  
 Hoerchner, E. R., Phelan Bldg.; Kearny 556.  
 Hoey, John A., Clunie Bldg.; Kearny 715.  
 Hogan, John S., Foxcroft Bldg.; Kearny 988.  
 Hogevoil, S. T., Call Bldg.; Sutter 442.  
 Hohfeld, E., Crocker Bldg.; Sutter 666.  
 Hollingsworth, A. W., 3053 16th St.; Park 6882.  
 Hollister, G. W., Monadnock Bldg.; Kearny 613.  
 Holmes, W. G., 518 Montgomery; Douglas 1970.  
 Holton, Chas. R., Merch. Natl. Bk. Bldg.; Kearny 5126.  
 Horn, Harry L., 610 Montgomery; Kearny 2269.  
 Horne, Donald, Call Bldg.; Douglas 4232.  
 Horwitz, Louis, Pacific Bldg.; Douglas 5374.  
 Houghton & Houghton, Merch. Ex. Bldg.; Kearny 1480.  
 Houston, C. J., First Natl. Bk. Bldg.; Kearny 2369.  
 How, Jared, Mills Bldg.; Sutter 2489.  
 Hubbard, Wm. P., Mills Bldg.; Douglas 826.  
 Hudson, Oscar, 472 Monadnock Bldg.; Douglas 3648.  
 Hudson, R. G., Balboa Bldg.; Douglas 726.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Hultman, F. M., Mills Bldg.; Kearny 4390.  
 Hume, W. T., Pacific Bldg.; Douglas 3481.  
 Humphrey, W. H., 1st Natl. Bk. Bldg.; Sutter 3227.  
 Humphreys, A. S., 343 Sansame; Kearny 5713.  
 Humphreys, Wm. P., Holbrook Bldg.; Sutter 367.  
 Hunt, R. G., Mills Bldg.; Douglas 3164.  
 Hurd, N. H., 604 Montgomery.  
 Husted, R. L., 2565 Mission; Mission 8944.  
 Hutchinson, J. K., Call Bldg.; Kearny 4339.  
 Hutchinson, J. S., Call Bldg.; Kearny 4339.  
 Hutton, H. W., Pacific Bldg.; Douglas 315.  
 Jacks, L. T., Cal.-Pac. Bldg.; Sutter 551.  
 Jackson, B. M., Pacific Bldg.; Sutter 2044.  
 Jackson, O. E., Call Bldg.  
 Jackson, Stanley, 209 Post; Kearny 2000.  
 Jackson, W. A., 607 Montgomery; Douglas 3618.  
 Jacobs, H. A., Humboldt Bldg.; Kearny 5164.  
 Jacobs, Meyer, Pacific Bldg.; Kearny 2817.  
 Jacoby, Albert, Mech. Bk. Bldg.; Douglas 3379.  
 James, C. L., Call Bldg.; Kearny 4630.  
 Jarman, A. H., Merch. Natl. Bk. Bldg.; Douglas 520.  
 Jeffress, M. G., Kohl Bldg.; Kearny 2356.  
 Jenks, Livingston, Mills Bldg.; Douglas 691.  
 Jerrett, W. H., Monadnock Bldg.; Kearny 4587.  
 Joel, Arthur, Mills Bldg.; Douglas 1339.  
 Johnson, A. L., Russ Bldg.; Kearny 1261.  
 Johnson, Elliott, Balboa Bldg.; Kearny 1555.  
 Johnson, H. W., Mills Bldg.; Douglas 763.  
 Johnson, J. F., Hewes Bldg.; Sutter 2338.  
 Johnson, J. K., Mills Bldg.; Douglas 3164.

SAN FRANCISCO, San Francisco Co.—  
Continued.Johnson, Roger, Mills Bldg.;  
Kearny 4310.Johnson, W. E., Phelan Bldg.;  
Kearny 5724.Johnson, W. P., Mills Bldg.; Doug-  
las 3164.Jonas, A. W., Monadnock Bldg.;  
Sutter 2471.Jones, J. R., Call Bldg.; Kearny  
4173.Jordan, Rowe & Brann, Monad.  
Bldg.; Kearny 5290.Jordan, W. H., Monadnock Bldg.;  
Kearny 5290.Judkins, T. C., Mills Bldg.; Doug-  
las 2684.Jury, J. G., Hearst Bldg.; Sutter  
1632.Kahn, Julius, Merchants Ex. Bldg.;  
Kearny 3870.Kalloch, I. M., Grant Bldg.; Market  
5853.Kalloch & Fox, Grant Bldg.; Mar-  
ket 5853.Karmel, I., Cal.-Pac. Bldg.; Sutter  
551.Kaufman, Helen L., Pacific Bldg.;  
Kearny 1448.Kaufman, W. W., Mills Bldg.;  
Kearny 4644.Kaufman, Leo, Merch. Natl. Bk.  
Kearny 5769.Kazebeer, A. G., Mills Bldg.; Sut-  
ter 1436.Keane, A. C., Hearst Bldg.; Doug-  
las 5676.Keane, Geo. B., Hearst Bldg.;  
Douglas 5676.Kearny, W. T., Monadnock Bldg.;  
Douglas 1218.Keesling, F. V., Chronicle Bldg.;  
Kearny 3876.Keleher, J. P., 444 Market; Doug-  
las 340.Kelly, Frank, Montgomery Blk.;  
Douglas 3735.Kennedy, J. B., Nevada Bk. Bldg.;  
Douglas 715.Kennedy, Karl F., Sharon Bldg.;  
Sutter 4650.Kennedy, L. J., Merchants Ex.  
Bldg.; Douglas 715.Kent, Platt, Standard Oil Bldg.;  
Kearny 102.Keogh & Olds, Foxcroft Bldg.;  
Kearny 3227.Keon, Hugh F. Jr., Chronicle Bldg.;  
Kearny 3282.SAN FRANCISCO, San Francisco Co.—  
Continued.Kerrigan, Hon. Frank H., 3325 Clay  
St.Keyes, A. D., Humboldt Bk. Bldg.;  
Kearny 673.Keyes, E. E., Call Bldg.; Kearny  
5173.Keyes & Martin, Call Bldg.;  
Kearny 5173.Kidd, A. M., Balboa Bldg.;  
Kearny 738.Kierce, F. J., Call Bldg.; Kearny  
4658.Kierulff, T. C., Foxcroft Bldg.;  
Douglas 2854.Kiler, W. H., Monadnock Bldg.;  
Sutter 782.Kimball, C. F., Grant Bldg.; Park  
1902.Kimball, R. H., Merchants' Ex.  
Bldg.; Sutter 4635.King, Boswell F., Mills Bldg.;  
Sutter 1555.Kinsey, C. H., Merch. Natl. Bk.  
Bldg.; Douglas 3666.Kirk, Joseph, 444 Market; Douglas  
340.Kittle, Allen I., Nevada Bk. Bldg.;  
Kearny 1675.Kitts, Chas. W., Monadnock Bldg.;  
Kearny 3596.Klingenberger, T. W., Mills Bldg.;  
Douglas 1820.Knight, E. D., Monadnock Bldg.;  
Kearny 4014.Knight, Saml., Sharon Bldg.; Sutter  
4600.Knight & Heggerty, Crocker Bldg.;  
Kearny 4145.Knox, D. H., Call Bldg.; Douglas  
492.Knox, Wm. C., Call Bldg.; Douglas  
492.Knupp, Guy, Alaska Coml. Bldg.;  
Kearny 3945.Kollmyer, W. B., Monadnock Bldg.;  
Douglas 5424.Kuhl, Max J., Mchts. Natl. Bk.  
Bldg.; Kearny 1221.Lakin, E. D., Hibernia Bank; Mar-  
ket 871.Lamson, J. S., Monadnock Bldg.;  
Kearny 2008.Lanagan, Jas., Alaska Coml. Bldg.;  
Kearny 3945.Lande, E., Clunie Bldg.; Douglas  
448.Lane, G. W., Nevada Bk. Bldg.;  
Sutter 232.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Langdon, Wm. H., Call Bldg.;  
Kearny 5750.  
Langhorne, J. P., Crocker Bldg.;  
Kearny 4056.  
Lansburgh, S. Laz, Orpheum Bldg.;  
Douglas 70.  
Lapachet, B. P., French Bk. Bldg.;  
Kearny 1993.  
Lastreto, E., Chronicle Bldg.;  
Kearny 1706.  
Latimer, J. M., Mills Bldg.; Sutter  
517.  
Laumeister, C. F., Hearst Bldg.;  
Sutter 988.  
Lawlor, F. W., Pacific Bldg.; Doug-  
las 1933.  
Lawlor, Hon. W. P., "The Family,"  
545 Powell; Sutter 800.  
Lawlor, John G., Mills Bldg.;  
Kearny 3819.  
Lazarus, S. J., Humboldt Bk.  
Bldg.; Kearny 5936.  
Leatherwood, R. L., Call Bldg.;  
Douglas 3463.  
Lederman, J. D., 354 Pine; Sutter  
764.  
Lee, C. A., Foxcroft Bldg.; Kearny  
2450.  
Leggett, Jos., 918 Dolores; Mission  
539.  
Leicester, J. F., Cal. Pac. Bldg.;  
Kearny 1435.  
Lempke, H. D., Holbrook Bldg.;  
Sutter 321.  
Lennon, L. C., Foxcroft Bldg.;  
Kearny 2851.  
Lent & Humphrey, Mills Bldg.;  
Douglas 1610.  
Leonard, E. M., Mills Bldg.; Doug-  
las, 1625.  
Lermen, J. J., Balboa Bldg.; Doug-  
las 89.  
Levey, E. C., Pacific Bldg.; Douglas  
1372.  
Levey & Lipman, Pacific Bldg.;  
Douglas 1372.  
Levin, Harold, Chronicle Bldg.;  
Kearny 3895.  
Levy, David L., Mills Bldg.; Sutter  
1720.  
Levy, E. W., Mills Bldg.; Douglas  
140.  
Lewandowski, E. P., Crocker Bldg.;  
Sutter 2168.  
Lewis, J. M., Kohl Bldg.; Kearny  
783.  
Lewis, R. F., Mills Bldg.; Douglas  
799.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Liechti, A. W., French Bk. Bldg.;  
Kearny 1993.  
Liess, Emil, Humboldt Bk. Bldg.;  
Douglas 3638.  
Lilienthal, McKinstry & Raymond,  
Flood Bldg.; Sutter 590.  
Lilienthal, J. W., Flood Bldg.; Sut-  
ter 590.  
Lillick, Ira S., Kohl Bldg.; Sutter  
561.  
Lindley, C. H., Mills Bldg.; Sutter  
1116.  
Lindley & Eickhoff, Mills Bldg.,  
Sutter 1116.  
Lindsay, C. E. Hewes Bldg.; Sutter  
2338.  
Linforth, W. H., Chronicle Bldg.;  
Douglas 1953.  
Lipman, G. M., Pacific Bldg.; Doug-  
las 1372.  
Lister, H. B., Pacific Bldg.; Doug-  
las 1415.  
Little, Ernest K., Foxcroft Bldg.;  
Sutter 425.  
Locke, Wm. J., Pacific Bldg.;  
Kearny 4054.  
Loeb, A. I., 816 Crocker Bldg.;  
Douglas 5618.  
Loewy, Walter, Royal Ins. Bldg.;  
Kearny 3899.  
Loewy, Wm., Royal Ins. Bldg.;  
Kearny 3899.  
Loewy & Loewy, Royal Ins. Bldg.;  
Kearny 3899.  
Lombard, Norman, Nevada Bk.  
Bldg.; Sutter 766.  
Long, P. V., New City Hall, Mar-  
ket 3201.  
Lord, P. D. M., 260 California;  
Kearny 2576.  
Lorigan, F. B., Crocker Bldg.; Sut-  
ter 666.  
Louderback, Davis, 1222 Geary;  
Franklin 579.  
Louderback, Harold, Merch. Ex.  
Bldg.; Sutter 2626.  
Lovell, Chas. H., Nevada Bk.  
Bldg.; Kearny 713.  
Lovey, L. W., Hearst Bldg.; Doug-  
las 1719.  
Lucey, Jos. P., Nevada Bk. Bldg.;  
Sutter 422.  
Lull, Geo., Phelan Bldg.; Sutter  
920.  
Lyders, E., Mills Bldg.; Douglas  
1335.  
Lyman, R. M., Mills Bldg.; Doug-  
las 3579.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Lynch, E. J., Mills Bldg.; Douglas 1335.  
 Lynch, C. W., Mutual Bank Bldg.; Kearny 3271.  
 Lynch, Thos. B., Balboa Bldg.; Kearny 1154.  
 Lyon, A. G., Balboa Bldg.; Sutter 4618.  
 Lyon, Barnett, Monadnock Bldg.; Douglas 2602.  
 Lyons, T. J., Pacific Bldg.; Sutter 1537.  
 Macbeth, F. D., Mutual Bk. Bldg.; Douglas 744.  
 Mackenzie, J. A., Balboa Bldg.; Douglas 726.  
 Macomber, Lloyd, Humb. Bk. Bldg.; Douglas 971.  
 Madden, E. W., Mills Bldg.; Douglas 763.  
 Madden, W. M., Crocker Bldg.; Kearny 4145.  
 Maddox, Knox, Monadnock Bldg.; Kearny 621.  
 Maddux, Parker S., Mills Bldg.; Sutter 2225.  
 Madison, F. D., Standard Oil Bldg.; Kearny 102.  
 Magee, E. De Los, Mills Bldg.; Douglas 4188.  
 Maguire, A. G., 281 Page; Park 5592.  
 Maguire, J. G., Humboldt Bk. Bldg.; Douglas 923.  
 Mahoney, D. I., 1112 Market; Market 3922.  
 Maling, Walter B., Postoffice Bldg.; Market 301.  
 Maltman, J. W., Mills Bldg.; Kearny 4950.  
 Mann, Robt. L., Chronicle Bldg.; Douglas 2557.  
 Mann, Seth, Merchants' Ex. Bldg.; Kearny 2724.  
 Manning, J. E., Pacific Bldg.; Douglas 2780.  
 Mannon, J. M., Jr., Merch. Ex. Bldg.; Kearny 2897.  
 Mansfield, W. D., Merchants' Ex. Bldg.; Sutter 491.  
 Mansfield & Newmark, Merch. Ex. Bldg.; Sutter 491.  
 Manson, P. I., 410 Montgomery; Sutter 3434.  
 Marcum, W. J., Merch. Natl. Bk. Bldg.; Kearny 5769.  
 Marks, Chas. B., Kohl Bldg.; Kearny 2777.

SAN FRANCISCO, San Francisco Co.—  
Continued.

Marsh, J. A., Foxcroft Bldg.; Sutter 1525.  
 Mason & Locke, Pacific Bldg.; Kearny 4954.  
 Marshall, H. F., Hewes Bldg.; Sutter 2665.  
 Marshall, J. W., Nevada Bk. Bldg.; Kearny 3825.  
 Martin, E. J., Nevada Bk. Bldg.; Sutter 4673.  
 Martin, George J., Pacific Bldg.; Douglas 1536.  
 Martin, Leon E., Call Bldg.; Kearny 5173.  
 Mash, S. L., 580 Washington St.  
 Mastick, Geo. H., Foxcroft Bldg.; Kearny 988.  
 Mastick & Partridge, Foxcroft Bldg.; Kearny 988.  
 Mathews, H. W., 26 Montgomery; Kearny 4318.  
 Maundrell, H. H., Monadnock Bldg.; Kearny 5290.  
 Mayer, Jos. H., Mills Bldg.; Douglas 1510.  
 Mayo, H. B., Pacific Bldg.; Douglas 305.  
 Mazza, J. J., Bk. of Italy Bldg.; Douglas 2746.  
 McAllister, Elliott, Nevada Bk. Bldg.; Kearny 833.  
 McAuliffe, F. M., Nevada Bk. Bldg.; Kearny 941.  
 McCahill, S. S., Balboa Bldg.; Douglas 4349.  
 McCarthy, Paul A., Call Bldg.; Sutter 3379.  
 McCaughey, J. W., Mills Bldg.; Douglas 1335.  
 McClanahan, E. B., Merch. Ex. Bldg.; Kearny 3182.  
 McClanahan & Derby, Merch. Ex. Bldg.; Kearny 3182.  
 McClellan & McClellan, Merchants Natl. Bank Bldg.; Kearny 4585.  
 McCloskey, H. H., Crocker Bldg.; Kearny 4330.  
 McCogan, D. A., Call Bldg.; Douglas 2535.  
 McConaughy, C. H., Clunie Bldg.; Sutter 2140.  
 McCue, J. F., Mills Bldg.; Douglas 1707.  
 McCulloch, Alex., Hibernia Bldg.; Market 871.  
 McCurdy, Hugh, Pacific Bldg.; Kearny 3451.  
 McCutchen, E. J., Merch. Ex. Bldg.; Kearny 2897.

SAN FRANCISCO, San Francisco Co.—  
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McCutcheon, Olney & Willard,  
Merchants' Ex. Bldg.; Kearny  
2897.  
McDonald, Paul, Mercantile Tr.  
Bldg.; Kearny 601.  
McElroy, J. O., Call Bldg.; Douglas  
99.  
McEnerney, G. W., Flood Bldg.;  
Kearny 3116.  
McEnerney, Leo J., Balboa Bldg.;  
Kearny 1154.  
McEvers, Greg S., Monadnock Bldg.;  
Kearny 5290.  
McGahie, R. J., Mills Bldg.; Doug-  
las 1510.  
McGee, J. A., Royal Ins. Bldg.;  
Douglas 356.  
McGee, Wm. J., Grant Bldg.;  
Market 79.  
McGowan, Frank, Humboldt Bk.  
Bldg.; Kearny 4670.  
McGowan, Geo. A., Bk. of Italy  
Bldg.; Kearny 3092.  
McGowan, R. H., Pacific Bldg.;  
Douglas 1311.  
McGowan & Worley, Bk. of Italy  
Bldg.; Kearny 3092.  
McGraw, E. W., West Coast Life  
Bldg.; Kearny 4011.  
McIntosh, M. W., Monadnock  
Bldg.; Kearny 2397.  
McKannay, H. G., Bk. Italy Bldg.;  
Douglas 3470.  
McKee, J. C., Hearst Bldg.; Doug-  
las 5676.  
McKenzie, E. V., Humboldt Bk.  
Bldg.; Sutter 2896.  
McKeon, J. B., Merchants Ex.  
Bldg.; Kearny 2897.  
McKevitt, H. K., Hearst Bldg.;  
Douglas 2870.  
McKinley, Ben., P. O. Bldg.; Mar-  
ket 301.  
McKinstry, J. C., Flood Bldg.; Sut-  
ter 590.  
McKnight, R. W., Monadnock  
Bldg.; Douglas 1434.  
McLeod, Duncan, Mills Bldg.,  
Douglas 2684.  
McMartin, W. H. R., Pacific Bldg.;  
Douglas 2431.  
McMillan, R. B., Kohl Bldg.  
McMurray, E. T., Balboa Bldg.;  
Kearny 724.  
McNab, John L., Humb. Bk. Bldg.;  
Sutter 4810.  
McNair, W. W., Merchants Ex.  
Bldg.; Sutter 1451.

SAN FRANCISCO, San Francisco Co.—  
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McNulty, Fredk. W., Chronicle  
Bldg.; Sutter 931.  
McNutt, Maxwell, French Bk.  
Bldg.; Kearny 3405.  
McPike, H. H., 221 Sansome;  
Douglas 5687.  
Mee, J. H., Merchants Ex. Bldg.;  
Kearny 3151.  
Melander, Henry, Chronicle Bldg.;  
Kearny 3895.  
Melsted, L. S., Hearst Bldg.; Doug-  
las 5676.  
Mering, E. B., Hearst Bldg.; Sut-  
ter 94.  
Merrill, J. A., Holbrook Bldg.;  
Kearny 3442.  
Merrill, Geo. W., Monadnock Bldg.;  
Sutter 3285.  
Merzbach, F. H., Russ Bldg.;  
Kearny 1915.  
Methever, U. E., Phelan Bldg.;  
Kearny 694.  
Metson, W. H., Balboa Bldg.; Doug-  
las 726.  
Metzger, W. C., 251 Kearny;  
Kearny 5547.  
Meyer, Jacob S., Balboa Bldg.;  
Douglas 2657.  
Meyerstein, J. C., French Bk.  
Bldg.; Kearny 3405.  
Michael, H. E., 110 Sutter; Kearny  
5879.  
Michael, M. F., Kohl Bldg.;  
Kearny 2777.  
Michelson, Albert, Call Bldg.;  
Sutter 428.  
Miller, A. E., 1018 Mission; Mar-  
ket 1927.  
Miller, H. B. M., Chronicle Bldg.;  
Kearny 3895.  
Miller & White, Crocker Bldg.;  
Kearny 5540.  
Mjnot, T. S., Mills Bldg.; Douglas  
2126.  
Mize, E. J., 96 Bernal Ave.; Mis-  
sion 4083.  
Mogan, R. F., Phelan Bldg.; Kearny  
5768.  
Molano, A. A., Merch. Natl. Bk.  
Bldg.; Sutter 560.  
Molkenbuh, S. W., Mills Bldg.;  
Douglas 2684.  
Molloy, Thos. S., Merch. Natl. Bk.  
Bldg.; Douglas 113.  
Monroe, H. E., Cal.-Pac. Bldg.;  
Sutter 3144.  
Montgomery, H. C., Mech. Inst.  
Bldg.; Sutter 443.

SAN FRANCISCO, San Francisco Co.—  
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Moody, R. R., Crocker Bldg.; Kearny 3366.  
 Mooney, W. T., 259 Lisbon; Mission 9542.  
 Moore, A. A., Balboa Bldg.; Kearny 1555.  
 Moore, A. A. Jr., Balboa Bldg.; Kearny 3999.  
 Moore, Stanley A., Balboa Bldg.; Kearny 1555.  
 Moran, E. F., Monadnock Bldg.; Douglas 1564.  
 Moran, N. M., Nevada Bk. Bldg.; Douglas 715.  
 Morf, P. C., Holbrook Bldg.; Sutter 2096.  
 Morris J. H., Mills Bldg.; Sutter 2054.  
 Morris, Leon, Cal.-Pac. Bldg.; Douglas 523.  
 Morrison, A. F., Crocker Bldg.; Sutter 666.  
 Morrison, Dunne & Brobeck, Crocker Bldg.; Sutter 666.  
 Morrissey, W. H., Mechanics Bk. Bldg.; Kearny 5918.  
 Morrow, R. H., Mills Bldg.; Douglas 1700.  
 Mott, E. J., Grant Bldg.; Market 79.  
 Moulthrop, J. R., Monadnock Bldg.; Kearny 2008.  
 Mueller, Carl W., 1046 Golden Gate Ave.; West 7617.  
 Mueller, J. A., 20 Montgomery; Douglas 5740.  
 Muller, P. J., Merchants Ex. Bldg.; Kearny 2897.  
 Murphy, D. C., 407 Mut. Bk. Bldg.; Kearny 4171.  
 Murphy, F. J., 20 Montgomery, Douglas 5740.  
 Murray, J. C., 221 Sansome; Douglas 5687.  
 Myers, Edward, Monadnock Bldg.; Douglas 1490.  
 Myers, Paul A., Monadnock Bldg.; Kearny 5424.  
 Myrick & Deering, Nevada Bk. Bldg.; Kearny 1675.  
 Nagle, J. L. & P. B., Hearst Bldg.; Kearny 4618.  
 Nathan, L. E., 20 Montgomery; Douglas 5740.  
 Nathan, M. A., Chronicle Bldg.; Kearny 3340.  
 Nathanson, A. E., 1112 Market; Market 4147.

SAN FRANCISCO, San Francisco Co.—  
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Negrich, T. G., Humb. Bk. Bldg.; Kearny 4670.  
 Nelson, Edmund, 26 Montgomery; Kearny 4779.  
 Newburgh, A. S., Pacific Bldg.; Franklin 7591.  
 Newburgn, Henry, Balboa Bldg.; Kearny 4774.  
 Newmark, Milton, Merchants Ex.; Sutter 491.  
 Nicholls, Thos. H., Foxcroft Bldg.; Douglas 1470.  
 Nicholson, W. A. S., 1112 Market; Market 3922.  
 Nightingill, F. W., Cal.-Pac. Bldg.; Sutter 3144.  
 Norman, R. S., Clunie Bldg.; Douglas 2818.  
 Nourse, J. T., Humboldt Bk. Bldg.; Sutter 1935.  
 Nowlin, Fassett & Little, Foxcroft Bldg.; Douglas 4112.  
 Noyes, B., Mills Bldg.; Kearny 5725.  
 Nuckolls, M., Humboldt Bldg.; Douglas 275.  
 Nunlist, W. A., Clunie Bldg.; Douglas 4014.  
 Nutting, F. P., Holbrook Bldg.; Kearny 2191.  
 Oakford, B. P., First Natl. Bk. Bldg.; Kearny 925.  
 O'Brien, E. A., Monadnock Bldg.; Kearny 3716.  
 O'Brien, J. M., 354 Pine; Kearny 4440.  
 O'Brien, J. P., Mills Bldg.; Sutter 399.  
 O'Brien, P. H., 444 Market; Douglas 976.  
 O'Callaghan, C. F., 26 Montgomery; Kearny 4779.  
 O'Connor, Grover, Kohl Bldg.; Sutter 4839.  
 O'Connor, Jos. T., Merchants Ex. Bldg.; Kearny 3870.  
 O'Connor, Richard, 1st Natl. Bk. Bldg.; Sutter 1066.  
 O'Connor, Thos. M., Humb. Bk. Bldg.; Sutter 2654.  
 O'Connor & Schwartz, Kohl Bldg.; Sutter 4839.  
 Oddie, C. M., Mills Bldg.; Douglas 2684.  
 O'Donnell, John, Pacific Bldg.; Douglas 1538.  
 O'Donnell, Jos. E., Phelan Bldg.; Kearny 556.



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O'Gara, John, 550 Mills Bldg.; Sutter 429.  
 O'Gara & De Martini, Mills Bldg.; Sutter 429.  
 Ogden, Marguerite, Monadnock Bldg.; Sutter 3388.  
 O'Grady, A. L., Merch. Natl. Bk. Bldg.; Sutter 560.  
 Olds, Lee M., Foxcroft Bldg.; Kearny 3227.  
 Oliver, F. S., Humboldt Bk. Bldg.; Douglas 971.  
 Oliver, J. M., Humboldt Bldg.; Kearny 5164.  
 Olivier, P. T., Chronicle Bldg.; Kearny 1949.  
 Olney, Jesse, Humboldt Bk. Bldg.; Sutter 2969.  
 Olney, Warren, Merch. Ex. Bldg.; Kearny 2897.  
 Olney, Warren Jr., Merch. Ex. Bldg.; Kearny 2897.  
 Olsen, J. A., Kohl Bldg.; Sutter 561.  
 Oppenheim, M., Humboldt Bk. Bldg.; Kearny 5859.  
 Oppenheimer, Leopold, Flood Bldg.; Sutter 590.  
 O'Rourke, J. P., Chronicle Bldg.; Park 906.  
 Ornbaum, C. A., Pacific Bldg.; Douglas 2267.  
 Ornbaum, Fraser & Lynch, Pac. Bldg.; Douglas 2267.  
 O'Toole, J. J., Mills Bldg.; Sutter 1287.  
 Orrick, W. H., 343 Sansome; Kearny 5713.  
 Otis, E. M., Merchants Ex. Bldg.; Kearny 2724.  
 Otis, Frank, Merchants Ex. Bldg.; Kearny 2724.  
 Owen, Frank L., 502 California; Kearny 158.  
 Owens, H. M., Mechanics Bldg.; Douglas 3493.  
 Owens, R. C., Law Library, City Hall; Market 3201.  
 Pagnuelo, Ernest, French Bk. Bldg.; Douglas 328.  
 Palmer, Brooks, Foxcroft Bldg.; Douglas 1470.  
 Palmer, T. E., Alaska Coml. Bldg.; Douglas 2742.  
 Parcels, F. M., Balboa Bldg.; Kearny 2869.  
 Pare, A. S., 10 3d St.; Sutter 608.

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Parks, Chas. J., Mechanics Inst. Bldg.; Sutter 514.  
 Partridge, J. S., Foxcroft Bldg.; Kearny 988.  
 Patton, C. L., Mechanics Inst. Bldg.; Kearny 4548.  
 Pawlicki, T. E., Balboa Bldg.; Kearny 29.  
 Payson, W. H., Call Bldg.; Kearny 5750.  
 Peart, Hartley F., Humb. Bk. Bldg.; Douglas 1321.  
 Peck, J. S., Crocker Bldg.; Douglas 1668.  
 Peckham, R. F., Pacific Bldg.; Kearny 5966.  
 Peery, Chas. S., Pacific Bldg.; Douglas 1311.  
 Peixotto, E. D., Russ Bldg.; Kearny 1915.  
 Pemberton, B. E., First Natl. Bk. Bldg.; Kearny 1691.  
 Pemberton, J. E., First Natl. Bk. Bldg.; Kearny 1691.  
 Percy, J. A., Call Bldg.; Douglas 265.  
 Perkins, T. A., Mills Bldg.; Kearny 5266.  
 Perry, A. W., Underwood Bldg.; Douglas 1676.  
 Perry, G. W., Mills Bldg.; Douglas 1510.  
 Perry, Geo. O., Cal.-Pac. Bldg.; Sutter 551.  
 Perry, Raymond, Merch. Natl. Bk. Bldg.; Sutter 2705.  
 Perry, H. D., Merch. Natl. Bk. Bldg.; Sutter 2705.  
 Perry & Dailey, Cal.-Pac. Bldg.; Sutter 551.  
 Perry & Perry, Merch. Natl. Bk. Bldg.; Sutter 2705.  
 Picard, Albert, French Bk. Bldg.; Kearny 1978.  
 Pidwell, J. T., Mills Bldg.; Kearny 3521.  
 Pierson, H. L., Merch. Natl. Bk. Bldg.; Douglas 3648.  
 Pigott, J. T., Alaska Coml. Bldg.; Douglas 2742.  
 Pillsbury, E. S., Standard Oil Bldg.; Kearny 102.  
 Pillsbury, H. D., Standard Oil Bldg.; Kearny 102.  
 Pillsbury, Madison & Sutro, Standard Oil Bldg.; Kearny 102.  
 Pinkham, C. A., Cal.-Pac. Bldg.; Kearny 1435.

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Piper, Chas. E., Monadnock Bldg.; Sutter 3182.  
 Pippy, Geo. H., Humboldt Bk. Bldg.; Sutter 1935.  
 Placke, Gerhard F., 210 Montgomery; Douglas 691.  
 Platshek, M. J., Pacific Bldg.; Douglas 2889.  
 Plaw, A. B., Standard Oil Bldg.; Kearny 102.  
 Plunkett, Wm. T., Mills Bldg.; Sutter 46.  
 Pohli, Emil, Mills Bldg.; Sutter 1116.  
 Polito, J. L., 2104 Market; Market 2247.  
 Politzer, Jerome, Mills Bldg.; Sutter 1590.  
 Pomeroy, C. P., Kohl Bldg.; Kearny 2777.  
 Poore, F. T., Mills Bldg.; Douglas 294.  
 Poorman, Samuel Jr., French Bk. Bldg.; Kearny 4394.  
 Porter, R. C., Call Bldg.; Kearny 5750.  
 Postel, W. F., Balboa Bldg.; Douglas 89.  
 Powell, H. A., Mills Bldg.; Douglas 2595.  
 Powell & Dow, Mills Bldg.; Douglas 2595.  
 Power, E. B., Humboldt Bk. Bldg.; Sutter 1935.  
 Power, Neal, Mills Bldg.; Douglas 191.  
 Powers, F. E., Grant Bldg.; Market 3201.  
 Powers, F. H., Nevada Bk. Bldg.; Kearny 941.  
 Pratt, Orville C., Flood Bldg.; Sutter 590.  
 Prendergast, T. F., Chronicle Bldg.; Kearny 3895.  
 Prescott, L. E., Russ Bldg.; Douglas 236.  
 Presley, G. J., Hearst Bldg.; Sutter 988.  
 Price, G. E., Humboldt Bk. Bldg.; Douglas 2622.  
 Pringle, J. R., Merchants Ex. Bldg.; Kearny 161.  
 Pringle, Wm. B., Russ Bldg.; Douglas 208.  
 Pringle, E. J., Sharon Bldg.; Sutter 4208.  
 Pritchard, J. A., Mills Bldg.; Douglas 5202.

**SAN FRANCISCO, San Francisco Co.—**  
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Putnam, O., Clunie Bldg.; Kearny 617.  
 Putnam & Van Wyck, Clunie Bldg.; Kearny 617.  
 Quinlan, J. C., Hearst Bldg.; Douglas 2870, J2870.  
 Rafael, Jos., Phelan Bldg.; Douglas 3481.  
 Razeto, William, 460 Montgomery; Kearny 5149.  
 Raymond, Albert, Flood Bldg.; Sutter 590.  
 Read, E. W., Balboa Bldg.; Kearny 2137.  
 Reardon, J. E., Holbrook Bldg.; Sutter 2026.  
 Reddall, T. A., 971 Market; Sutter 2499.  
 Redding, Jos. D., Crocker Bldg.; Sutter 96.  
 Reddington, A. H., Mills Bldg.; Douglas 5289.  
 Redman, L. A., Mills Bldg.; Kearny 752.  
 Reed, Chas Wesley, Call Bldg.; Kearny 4657.  
 Reeves, J. W., Call Bldg.; Kearny 5750.  
 Reid & Dozier, First Natl. Bldg.; Kearny 1691.  
 Reindollar, C. F., Clunie Bldg.; Douglas 4014.  
 Reinsner, J. G., Hewes Bldg.; Kearny 5130.  
 Reyman, H. C., Italian-Am. Bldg.; Douglas 1614.  
 Rice, E. W., Mills Bldg.; Sutter 1116.  
 Richards, D. B., Monadnock Bldg.; Kearny 5290.  
 Richardson, W. A., Clunie Bldg.; Douglas 1140.  
 Richter, Erwin E., First Natl. Bk. Bldg.; Kearny 1836.  
 Ricketts, A. H., 40 California; Douglas 5150.  
 Riley, J. F., Pacific Bldg.; Douglas 2634.  
 Riley, Stanislaus A., Mills Bldg.; Douglas 1707.  
 Ringolsky, G. C., Call Bldg.; Kearny 448.  
 Riordan, John H., Humb. Bk. Bldg.; Sutter 1935.  
 Rixford, E. H., Cal.-Pac. Bldg.; Sutter 3228.  
 Rixford, H. L., Cal.-Pac. Bldg.; Sutter 3228.

SAN FRANCISCO, San Francisco Co.—  
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Robbins, L. M., Crocker Bldg.;  
Douglas 135.  
Robinet, D. B., Humb. Bk. Bldg.;  
Kearny 4644.  
Robinson, Walter H., Holbrook  
Bldg.; Sutter 1483.  
Robinson, J. R., Foxcroft Bldg.;  
Sutter 2544.  
Robinson & Getz, 45 Kearny;  
Douglas 2964.  
Robison, Jas. L., Nevada Bk.  
Bldg.; Kearny 941.  
Roche, J. J., Foxcroft Bldg.;  
Kearny 3319.  
Roche, Theo. J., Humb. S. Bk.  
Bldg.; Kearny 5740.  
Rodda, A. G., Holbrook Bldg.;  
Sutter 1483.  
Romaine, Benjamin, Mills Bldg.;  
Douglas 3579.  
Rose, Wm. F., Foxcroft Bldg.;  
Douglas 1794.  
Rosenheim, Samuel, Chronicle  
Bldg.; Kearny 3895.  
Rosenshine, A. A., Mills Bldg.;  
Douglas 3164.  
Rosenstirn, Eric J., Holbrook  
Bldg.; Sutter 367.  
Rosenthal, Ben., Grant Bldg.;  
Market 912.  
Rosenthal, Marcus, Balboa Bldg.;  
Douglas 2890.  
Ross, M. A., Mills Bldg.; Douglas  
2376.  
Ross, P. V., Pacific Bldg.; Douglas  
4228.  
Rothchild, Golden & Rothchild,  
Mills Bldg.; Douglas 5202.  
Rothchild, Walter, Flood Bldg.;  
Kearny 3116.  
Rothschild, Jos., Chronicle Bldg.;  
Kearny 3895.  
Rothschild, Rosenheim, Schooler  
& Miller, Chronicle Bldg.;  
Kearny 3895.  
Rouleau, O. A., 250 Montgomery;  
Douglas 569.  
Rowe, Purcell, Monadnock Bldg.;  
Kearny 5290.  
Russell, S. B., Merch. Natl. Bk.  
Bldg.; Sutter 2705.  
Rutledge, J. D., French Bk. Bldg.;  
Kearny 5879.  
Ryan, D. A., Hearst Bldg.; Doug-  
las 422.  
Ryan, Jas. W., Postoffice Bldg.;  
Market 301.

SAN FRANCISCO, San Francisco Co.—  
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Ryder, Ray W., 1st Natl. Bk.  
Bldg.; Sutter 3097.  
Ryder, W. B., Hibernia Bk.; Mar-  
ket 871.  
Saffold, Ray P., 568 Golden Gate  
Ave.; Franklin 95.  
Sales, D. D., Holbrook Bldg.;  
Douglas 259.  
Salomon, Sam, Phelan Bldg.;  
Kearny 1362.  
Samter, Samuel M., Mills Bldg.;  
Douglas 3164.  
Samuel, Oscar, Mills Bldg.; Doug-  
las 789.  
Samuels, Jacob, Mills Bldg.; Doug-  
las 789.  
Samuels Leon, Phelan Bldg.;  
Kearny 5768.  
Samuels, M. L., Pacific Bldg.;  
Douglas 304.  
Sanderson, A. A., Cal.-Pac. Bldg.;  
Douglas 523.  
Sanderson, W. W., Mills Bldg.;  
Douglas 1350.  
Sapiro, A. L., 1st Natl. Bk. Bldg.;  
Sutter 1066.  
Sargent, G. C., Mechanics Inst.  
Bldg.; Sutter 1323.  
Savage, L. E., 964A Market;  
Franklin 1577.  
Savage, T. J., Humboldt Bk.  
Bldg.; Kearny 5861.  
Sawyer, F. W., Grant Bldg.; Mar-  
ket 912.  
Sawyer, W. F., 333 Kearny;  
Kearny 5743.  
Schernstein, F. C., Mills Bldg.;  
Sutter 362.  
Schilling, Frank, Pacific Bldg.;  
Douglas 3559.  
Schlesinger, Bert. C., Spreckels  
Bldg.; Kearny 5173.  
Schlesinger, Sydney, Phelan Bldg.;  
Sutter 239.  
Schmitt, Milton L., Ital.-Am. Bk.  
Bldg.; Douglas 1614.  
Schmulowitz, M., Merch. Natl. Bk.  
Bldg.; Douglas 520.  
Schooler, W. H., Chronicle Bldg.;  
Kearny 3895.  
Schottky, A. R., Mills Bldg.;  
Kearny 4390.  
Schuhl, F. J. Russ Bldg.; Kearny  
1261.  
Schulte W. H., Pacific Bldg.;  
Douglas 1663.  
Schunck, D. E. von S., Miss,  
Crocker Bldg.; Kearny 1261.

SAN FRANCISCO, San Francisco Co.—  
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Schwab, Edwin, Crocker Bldg.; Sutter 666.  
Schwab, Robert, Mills Bldg.; Sutter 508.  
Schwartz C., Kohl Bldg.; Sutter 4839.  
Scott, J. W., Nevada Bk. Bldg.; Kearny 1675.  
Scrivner & Montgomery Mech. Inst. Bldg.; Sutter 443.  
Seuder, Eric G., 326 Mills Bldg.; Sutter 2387.  
Sea, Wm. Jr., Foxcroft Bldg.; Kearny 4089.  
Searles, Robt. M., Mills Bldg.; Sutter 1116.  
Seawell, Hon. J. M., 236 Cole; Pacific 1737.  
Seibert, D. K., Russ Bldg.; Kearny 3249.  
Seidenberg L., Mills Bldg.; Kearny 2692.  
Seidenberg & Davis, Mills Bldg.; Kearny 2692.  
Selby, J. R., First Natl. Bk. Bldg.; Kearny 2875.  
Selvage, Thos., 316 P. O. Bldg.; Market 301.  
Sessions, C. B., Balboa Bldg.; Douglas 4349.  
Sessions & McCahill, Balboa Bldg.; Douglas 4349.  
Sferlazzo, C., 4 Columbus Ave.; Kearny 630.  
Shadburne, Geo. D., Humb. Bk. Bldg.; Douglas 2622.  
Sharpstein, W. C., Mills Bldg.; Douglas 1027.  
Shaw, A. E., Claus Spreckels Bldg.; Sutter 77.  
Shay, Frank, Flood Bldg.; Kearny 3160.  
Sheehan, J. F., Hearst Bldg.; Sutter 454.  
Shepard, W. C., 3978 23d St.; Mission 7402.  
Sheridan, T. J., Nevada Bk. Bldg.; Kearny 925.  
Shields, J. M., French Bk. Bldg.; Kearny 1993.  
Shortridge, S. M., Chronicle Bldg.; Douglas 2176.  
Shryock, H. A., Mills Bldg.; Sutter 1768.  
Shuey, C. A., Merchants Ex. Bldg.; Kearny 2442.  
Shuman, J. F., Crocker Bldg.; Sutter 666.

SAN FRANCISCO, San Francisco Co.—  
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Shuman, P. L., Pacific Bldg.; Douglas 1732.  
Shurtleff, C. A., Foxcroft Bldg.; Kearny 4451.  
Silverstein, Bernard, Chronicle Bldg.; Kearny 3895.  
Simmons, W. M., Clunie Bldg.; Kearny 617.  
Sims, J. C., Call Bldg.; Kearny 4207.  
Sims, R. M., 464 California; Kearny 601.  
Sims, W. M., Kohl Bldg.; Kearny 3825.  
Skaife, A. C., Ins. Ex. Bldg.; Kearny 1452.  
Slack, C. W., Alaska Coml. Bldg.; Douglas 2742.  
Slikerman, H., Pacific Bldg.; Douglas 3565.  
Slye, Jos., Phelan Bldg.; Douglas 5837.  
Smith, F. T., Standard Oil Bldg.; Kearny 102.  
Smith, Grant H., Mills Bldg.; Sutter 1116.  
Smith, J. L., Pacific Bldg.; Douglas 1486.  
Smith, R. Mason, Mills Bldg.; Douglas 4080.  
Smith, W. H. Jr., Crocker Bldg.; Sutter 666.  
Smith, Willard P., Call Bldg.; Kearny 5750.  
Soderberg, N., Mills Bldg.; Kearny 3596.  
Solari, W. S., Hearst Bldg.; Kearny 233.  
Solinsky & Wehe, Monadnock Bldg.; Douglas 1484.  
Solomon & Wise, Sharon Bldg.; Douglas 1896.  
Solomons, L. L., Sharon Bldg.; Douglas 1896.  
Sonntag, L., Balboa Bldg.; Kearny 1153.  
Sooy, C. H., Mills Bldg.; Kearny 4314.  
Soto, R. M. F., Royal Ins. Bldg.; Kearny 4557.  
Spaulding, W. A., 233 Post; Sutter 3400.  
Spilman, J. S., 244 Kearny; Kearny 734.  
Stafford & Stafford, Grant Bldg.; Market 5737.  
Steiger, Geo. J. Jr., Ital.-Am. Bk.; Douglas 1606.

SAN FRANCISCO, San Francisco Co.—  
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Steinhart, J. H., Monadnock Bldg.; Sutter 2471.  
 Stephens, Jas. A., Monadnock Bldg.; Kearny 3716.  
 Stetson, H. N., Mills Bldg.; Kearny 4150.  
 Stevens, Martin, Mills Bldg.; Sutter 2491.  
 Stevick, Guy Le Roy, Ins. Ex. Bldg.; Kearny 1452.  
 Stewart, Chas., Chronicle Bldg.; Douglas 90.  
 Stewart, F. L., Monadnock Bldg.; Sutter 1208.  
 Stewart, Geo. L., Hewes Bldg.; Sutter 4369.  
 Stidger & Stidger, 628 Montgomery; Kearny 1379.  
 Stoker, Geo. E., Merchants Ex. Bldg.; Sutter 1451.  
 Stone, Byron F., Jr., Mills Bldg.; Sutter 46.  
 Stone, L., Pacific Bldg.; Sutter 2832.  
 Stoney, Donzel, Mills Bldg.; Sutter 1436.  
 Stoney, Gaillard, 250 Montgomery; Kearny 5860.  
 Stoney, Rouleau & Stoney, 250 Montgomery; Kearny 5860.  
 Stratton, F. S., Mills Bldg.; Kearny 4644.  
 Stratton, Kaufman & Torchiana, Mills Bldg.; Kearny 4644.  
 Straub, Thos. J., Crocker Bldg.; Kearny 3299.  
 Straus, G., 604 Montgomery; Kearny 3804.  
 Strickler, E. G., Hearst Bldg.; Kearny 3485.  
 Stringham, F. D., Holbrook Bldg.; Sutter 1737.  
 Strong, C. A., Mills Bldg.; Douglas 1872.  
 Strubel, Phil J., Mills Bldg.; Douglas 4114.  
 Sturtevant, Hon. Geo. A., City Hall; Market 3201.  
 Sullivan, C. C., Standard Oil Bldg.; Kearny 102.  
 Sullivan, E. D., 1st Natl. Bk. Bldg.; Kearny 1830.  
 Sullivan, F. J., 1017 Mission; Market 611.  
 Sullivan, M. J., 34 Ellis; Kearny 5410.  
 Sullivan, W. A., Humboldt Bk. Bldg.; Kearny 5740.

SAN FRANCISCO, San Francisco Co.—  
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Sullivan & Sullivan, Humb. Bk. Bldg.; Kearny 5740.  
 Surr, Vincent, Merch. Natl. Bk. Bldg.; Kearny 4642.  
 Susmau, Leo H., 445 Sutter; Franklin 140.  
 Sutro, Alfred, Standard Oil Bldg.; Kearny 102.  
 Sutro, Oscar, Standard Oil Bldg.; Kearny 102.  
 Sweasey, F. R., Humboldt Bk. Bldg.; Douglas 3638.  
 Sweeny, Jas. P., Nevada Bk. Bldg.; Douglas 175.  
 Sweigert, C. A., Merch. Natl. Bk. Bldg.; Douglas 2659.  
 Symonds, H. C., Mills Bldg.; Sutter 46.  
 Taft, F. W., Merch. Natl. Bk. Bldg.; Kearny 5769.  
 Talbot, E. J., Mut. Sav. Bk. Bldg.; Kearny 3864.  
 Taughter, J. L., Mills Bldg.; Douglas 605.  
 Tauszky, Edmund, Sharon Bldg.; Kearny 4800.  
 Taafe, Jos. L., Phelan Bldg.; Kearny 5768.  
 Taylor, Henry, Consular Bldg.; Douglas 1352.  
 Taylor, H. W. B., Phelan Bldg.; Douglas 4330.  
 Temple, W., Clunie Bldg.; Douglas 3896.  
 Tevlin, J. F., Pacific Bldg.; Douglas 1933.  
 Thayer, Rufus B., Mech. Inst. Bldg.; Sutter 514.  
 Theisen, S. Jos., Balboa Bldg.; Douglas 2890.  
 Thelen, Max, Commercial Bldg.; Sutter 2260.  
 Thomas, Geo. M., Chronicle Bldg.; Kearny 3597.  
 Thomas, J. M., Call Bldg.; Kearny 4173.  
 Thomas, Beedy & Lanagan, Alaska Commercial Bldg.; Kearny 3945.  
 Thomas, Wm., Alaska Coml. Bldg.; Kearny 3945.  
 Thompson, Chas. L., Pacific Bldg.; Douglas 5820.  
 Thompson, W. J., Hewes Bldg.; Sutter 2665.  
 Thorne, A., Mills Bldg.; Kearny 1266.  
 Thornton, C., Monadnock Bldg.  
 Thornton, J. T., Foxcroft Bldg.; Kearny 2851.

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Thrasher, Geo. C., Pacific Bldg.;  
Douglas 2431.  
Thurman, J. D., Mills Bldg.; Doug-  
las 3164.  
Tiscornia, A. A., Monadnock Bldg.;  
Sutter 528.  
Titus, Louis, Balboa Bldg.; Kearny  
738.  
Titus, Creed & Dall, Balboa Bldg.;  
Kearny 738.  
Tobin & Tobin, Hibernia Bldg.;  
Market 871.  
Todd, C. E., 34 Ellis; Kearny 5410.  
Tomsky, Wm., 244 Kearny; Doug-  
las, 1106.  
Torchisua, H. G. Van C., Mills  
Bldg.; Kearny 4644.  
Torregano, E. J., Board of Trade  
Bldg.; Douglas 976.  
Towle, Geo. W., 112 Market; Kearny  
492.  
Towne, P. E., Chronicle Bldg.;  
Kearny 3282.  
Townsend, C. E., Merchants Ex.  
Bldg.; Kearny 4455.  
Treadwell, E. F., Merchants Ex.  
Bldg.; Kearny 5505.  
Treat, A. J., Monadnock Bldg.;  
Kearny 5424.  
Treat, R. B., Crocker Bldg.; Doug-  
las 3442.  
Troy, Robert P., Call Bldg.; Sutter  
116.  
Truman, I. J. Jr., Mills Bldg.;  
Douglas 357.  
Tuck, L. C., Nevada Bk. Bldg.; Sut-  
ter 232.  
Tucker, W. E., Wells-Fargo Bldg.;  
Douglas 2029.  
tum Suden & tum Suden, Merchants  
Natl. Bank Bldg.; Douglas 193.  
Tuska, Wal. J., Mutual Bk. Bldg.;  
Douglas 1214.  
Twamley, W. R., Pacific Bldg.;  
Douglas 1538.  
Tyler, J. F., Wells-Fargo Bldg.;  
Douglas 1934.  
Tyler, R. P., Humboldt Bank Bldg.;  
Sutter 4810.  
Tyrrell, John R., Hewes Bldg.; Sut-  
ter 4369.  
Udell, Alva, 617 Montgomery St.  
Udall, Martin, Phelan Bldg.; Doug-  
las 1827.  
U'Ren, M. T., Mechanics Inst. Bldg.;  
Sutter 549.  
Utter, J. F., Hearst Bldg.; Kearny  
3021.

**SAN FRANCISCO, San Francisco Co.—**  
Continued.

Van Ness, T. C. & T. C. Jr., Kohl  
Bldg.; Sutter 561.  
Van Wyck, Sidney M. Jr., Clunie  
Bldg.; Kearny 617.  
Van Zante, K., Mills Bldg.; Sutter  
2225.  
Vecki, M., Chronicle Bldg.; Kearny  
3597.  
Vrecki & Wythe, Chronicle Bldg.;  
Kearny 3597.  
Vilas, M. S., Mills Bldg.; Douglas  
1707.  
Vogelsang, A. T., Nevada Bk. Bldg.;  
Douglas 346.  
Vogelsang & Brown, Nevada Bk.  
Bldg.; Douglas 346.  
Von Schrader, F. W., Call Bldg.;  
Sutter 3190.  
Wakeman, E. H., Monadnock Bldg.;  
Douglas 5720.  
Walker, Jas. G. Jr., Mills Bldg.;  
Sutter 1720.  
Wall, F. R., Merchants Ex. Bldg.;  
Kearny 394.  
Wallace, B. L., Mills Bldg.; Sutter  
1580.  
Wallace & Politzer, Mills Bldg.;  
Sutter 1580.  
Ward, Louis H., Mills Bldg.; Doug-  
las 799.  
Wascowitz, M. H., Call Bldg.;  
Kearny 448.  
Watson, W. W., Call Bldg.; Kearny  
4157.  
Watt, J. A., Royal Ins. Bldg.;  
Kearny 5801.  
Weaver, G. E., Mills Bldg.; Sutter  
1720.  
Webb, E. H., Mills Bldg.; Kearny  
1266.  
Webb, J. J., Clunie Bldg.; Kearny  
617.  
Webb, U. S., Humboldt Bk. Bldg.;  
Sutter 1935.  
Webb, W. C., Mills Bldg.; Kearny  
1266.  
Webster, Bradford, Monadnock  
Bldg.; Kearny 4014.  
Wehe, Frank R., Monadnock Bldg.;  
Douglas 1485.  
Weil, A. L., Alaska Coml. Bldg.;  
Sutter 940.  
Weiler, A. B., Royal Ins. Bldg.;  
Douglas 1196.  
Welch, L. J., 1233 Market; Market  
346.  
Weinmann, L. R., Kohl Bldg.; Doug-  
las 3595.

**SAN FRANCISCO, San Francisco Co.—**  
Continued.

Weinmann, Wood & Cunha, Kohl Bldg.; Douglas 3595.  
Weir, John G., Mills Bldg.; Sutter 1720.  
Weiss, Wm. G., French Bk. Bldg.; Kearny 5879.  
Welch, Geo. F., Phelan Bldg.; Kearny 42.  
Welch, Geo. M., Phelan Bldg.; Kearny 42.  
Welle, Chas. M., Russ Bldg.; Kearny 3249.  
West, J. J., Pacific Bldg.; Franklin 2945.  
West & de Journal, Phelan Bldg.; Douglas 3481.  
Westerfeld, Carl, Mills Bldg.; Douglas 1700.  
Westlake, Elmer, Humb. Bk. Bldg.; Sutter 4511.  
Weyl, Bertin A., Pacific Bldg.; Kearny 2817.  
Wheeler, C. S., Nevada Bk. Bldg.; Douglas 713.  
Whipple, G. H., Merchants Ex. Bldg.; Kearny 2273.  
Whitcomb, F. R., Foxcroft Bldg.; Douglas 1889.  
White, B. G., Nevada Bk. Bldg.; Sutter 232.  
White, J. B., Nevada Bk. Bldg.; Kearny 941.  
White, J. E., Monadnock Bldg.; Douglas 360.  
White, Thos. R., Mills Bldg.; Douglas 246.  
White, Wm. E., 604 Montgomery St.  
Whited, J. M., 1st Natl. Bk. Bldg.; Kearny 925.  
Whiting, R. V., Monadnock Bldg.; Sutter 1208.  
Whittle, A. L., Crocker Bldg.; Sutter 666.  
Weil, S. C., Merchants Ex. Bldg.; Sutter 1439.  
Wight, Wilder, Balboa Bldg.; Kearny 1555.  
Wilbur, E. D., Holbrook Bldg.; Sutter 3391.  
Willard, C. W., Merch. Ex. Bldg.; Kearny 2897.  
Willard & Ferrell, Merch. Natl. Bk. Bldg.; Douglas 4757.  
Willecox, Geo. M., Hearst Bldg.; Sutter 3158.  
Williams, Evan, Merchants Ex. Bldg.; Kearny 2273.  
Williams, E. H., Phelan Bldg.; Kearny 2622.

**SAN FRANCISCO, San Francisco Co.—**  
Continued.

Williams, G. N., Lick Bldg.; Douglas 402.  
Williams, J. T., French Bk. Bldg.; Kearny 5879.  
Williamson, W. F., Crocker Bldg.; Kearny 3299.  
Willis, W. H., Grant Bldg.; Market 79.  
Wilson, A. A., Mills Bldg.; Sutter 1720.  
Wilson, C. E., Mills Bldg.; Douglas 1872.  
Wilson, C. H., Balboa Bldg.; Kearny 2137.  
Wilson, E. M., Kohl Bldg.; Kearny 2357.  
Wilson, J. R., Mechanics Inst. Bldg.; Kearny 4742.  
Wilson, M. S., Nevada Bk. Bldg.; Kearny 713.  
Wilson, O. C., Mills Bldg.; Douglas 5349.  
Wilson & Haines, Mills Bldg.; Douglas, 5349.  
Wilson & Wilson, Nevada Bk. Bldg.; Kearny 713.  
Wise, O. I., First Natl. Bk. Bldg.; Sutter 1066.  
Wise, Sapiro & O'Connor, First Natl. Bk. Bldg.; Sutter 1066.  
Wise, W. A., Sharon Bldg.; Douglas 1896.  
Wittenmeyer, L. A., Balboa Bldg.; Kearny 5320.  
Wolch, H. A. I., Pacific Bldg.; Sutter 914.  
Wolf, E. Myron, Monadnock Bldg.; Kearny 2397.  
Wolfe, E. I., Mills Bldg.; Douglas 789.  
Wolff, H. K., Russ Bldg.; Kearny 3249.  
Wolff, M. D., Merchants Natl. Bk. Bldg.; Douglas 4757.  
Wood, Baldwin, Kohl Bldg.; Douglas 3595.  
Wood, Percy A., Call Bldg.; Douglas 265.  
Woodburn, F. L., Call Bldg.; Douglas 99.  
Woodhams, M. S., Foxcroft Bldg.; Sutter 379.  
Woods, S. D., Mills Bldg.; Sutter 1720.  
Woodworth, M. B., Clunie Bldg.; Douglas 448.  
Worley, Alfred L., Bk. of Italy Bldg.; Kearny 3092.

## SAN FRANCISCO, San Francisco Co.—Continued.

Wright, A. G., Mills Bldg.; Kearny 4150.  
 Wright, F. M., Monadnock Bldg.; Kearny 2726.  
 Wright, G. T., Mills Bldg.; Kearny 4150.  
 Wright, S. C., Call Bldg.; Douglas 4913.  
 Wright, W. E., Pacific Bldg.; Douglas 3492.  
 Wright & Wright & Stetson, Mills Bldg.; Kearny 4150.  
 Wyman, O. B., Merchants Natl. Bk. Bldg.; Douglas 520.  
 Wythe, F. S., Chronicle Bldg.; Kearny 3597.  
 Young, H. S., Nevada Bk. Bldg.; Kearny 833.  
 Young, L. F., Flood Bldg.; Kearny 3116.  
 Zeigler, W. G., Mills Bldg.; Sutter 1768.  
 Zimdars, J. B., Merchants Natl. Bk. Bldg.; Kearny 4642.  
 Zwerin, P. M., Humboldt Bk. Bldg.; Sutter 2040.

## SAN GABRIEL, Los Angeles Co.—

Freeman, R. L.  
 Pike, Chas. L.

## SAN JACINTO, Riverside Co.—

Dunn, John H.  
 Sallee, F. M.

## SAN JOSE, Santa Clara Co.—

Aggler, W. T., Dep. Co. Clk.  
 Archer, L. B.  
 Arques, L. L.  
 Bailey, Louis H.  
 Bailey, W. C.  
 Beasley & Fry.  
 Beggs, Wm. M.  
 Benson, F. H.  
 Biaggi, W. R.  
 Black, J. C.  
 Blanchard, Hiram A.  
 Bohnett, L. D.  
 Bowden, N.  
 Bridges, Herbert S., Dep. Dist. Att.  
 Brown, F. B.  
 Brown & Lewis.  
 Burnett, D. M.  
 Caldwell, A. A.  
 Campbell, Argyl.  
 Campbell, J. H.  
 Campbell & Campbell.  
 Cassin, Chas. M.

## SAN JOSE, Santa Clara Co.—Continued.

Cavallaro, C. D.  
 Clark, Chas.  
 Coolidge, C. C., Dep. Dist. Atty.  
 Corbin, E. L.  
 Crittenden, B. S.  
 Crothers, C. F.  
 Davidson, C. W., Mayor.  
 Dougherty & Dougherty.  
 Dusing, H. F.  
 Estes, F. R.  
 Fitzgerald, Jno.  
 French, Henry.  
 Fry, H. R.  
 Gabriel, H. A.  
 Gondring, J. M.  
 Gosbey, P. F., Supr. Judge.  
 Hambly, F. J.  
 Hardinge, H. A.  
 Hardy, W. B.  
 Hayes & Hayes.  
 Herrington, Clarence.  
 James, W. F.  
 Johnson, W. H.  
 Johnston, Wm. A.  
 Jones, H. C.  
 Kerwin, J. B.  
 Koppel, I. L.  
 Kotlinger, L. A.  
 Lamb, Earl.  
 Leib, Roy C.  
 Leib, S. F.  
 Lewis, De L.  
 Lorigan, C. M.  
 Lorigan, W. G., Supm. Judge.  
 McComas, H. W.  
 McComish, B. C.  
 McGinnis, James S.  
 Maloy, Jeff L.  
 Michener, A. H., Ct. Rep.  
 Montgomery, Louis.  
 Moore, H. C.  
 Oneal, L.  
 O'Neil, B. K., Dep. Co. Clk.  
 Partridge, H. L.  
 Peckham, J. B., Dep. Dist. Atty.  
 Petree, L. E.  
 Pfister, H. A., Clk. Supr. Ct.  
 Quilty, Chas. W.  
 Rea, E. M. R.  
 Rhodes, A. L.  
 Rhodes, E. L.  
 Richards, J. E., Judge Applt. Ct.  
 Richardson, O. D.  
 Robertson, R. F.



**SAN JOSE, Santa Clara Co.—Continued.**

Rogers, Bloomingdale & Free.  
 Rogers, W. A.  
 Rosenthal, E. M.  
 Russell, J. H.

Scheller, V. A.  
 Schilling, F. A., Dep. Co. Clk.  
 Sex, J. P.  
 Shortridge, C. M.  
 Smith, G. D.  
 Sullivan, J. W., City Atty.  
 Syer, Robt. R.

Taylor, B. G.  
 Thomas, F. L., Dep. Dist. Atty.  
 Thornton, D. L.  
 Tompkins, S. G.  
 Tuttle, Hiram D.

Waldorf, G. W.  
 Wallace, Jno. T.  
 Welch, J. R., Supr. Judge.  
 Wilcox & Burnett.  
 Wilcox, Edwin A.  
 Witten, C. L.  
 Wooster, C. B.  
 Wretman, Niles E.  
 Wright, C. D.  
 Wright, R. M.

**SAN LEANDRO, Alameda Co.—**

Dignan, F. W.  
 Frank, J. N.  
 Jones, H. P.  
 Rogers, A. A.

**SAN LORENZO, Alameda Co.—**

McConaghy, N. A.

**SAN LUIS OBISPO, San Luis Obispo Co.—**

Burnett, James K.  
 Campbell, A. E.  
 Carpenter, H. H., Clk. Supr. Ct.  
 Carpenter & Gibbons.  
 Enos, L. A.  
 Faulkner, F. A.  
 Genter, I. S.  
 Gregg, P. M.  
 Jacks & Kibbe.  
 Kaetzal, Chas.  
 Lamy & Putnam.  
 Nelson, A.  
 Norton, T. A., City Atty.  
 Palmer, C. A., Dist. Atty.  
 Putnam, R. W.  
 Rhodes, Thomas.  
 Shipsey, Wm.  
 Spencer, W. H.  
 Swinnerton, S. M.  
 Unangst, E. S., Supr. Judge.  
 Wright, S. V.

**SAN MATEO, San Mateo Co.—**

Gordon, Joseph C.  
 Kirkbride, C. N.  
 Kirkbride & Gordon.  
 McCurdy, J. E.  
 Ross & Ross.  
 Styles, Harry E.

**SAN PEDRO, Los Angeles Co.—**

Fleming, Frank.  
 Goodspeed, Richard C.  
 Savage, W. H.  
 Stephens, Jesse E.  
 Stevenson, Thos. B.  
 Stieglitz, H.

**SAN RAFAEL, Marin Co.—**

Angellotti, F. M., Jus. Supm. Ct.  
 Boyd, T. P., Dist. Atty.  
 Butler, E. I.  
 Byrnes, Chas.  
 Duffey, M. C.  
 Hawkins, J. K., City Atty.  
 Keyes, James W.  
 Lennon, Thos. J., Judge Ct. of Appl.  
 Mahony, W. H.  
 Martinelli, E. B.  
 Rigby, W. Jr.  
 Zook, Edgar T., Supr. Judge.

**SANTA ANA, Orange Co.—**

Anderson, Jno. N.  
 Bell, J. H.  
 Billingsley, R.  
 Bishop, C.  
 Daniel, F. O.  
 Daniel, Lee.  
 Davis, S. M.  
 Finley, S. S.  
 Forgey, Horatio J.  
 Harding, D. F.  
 Head, H. C.  
 Heathman, W. F.  
 Keech & Davis.  
 Langley, E. T.  
 Kingston, C. A.  
 McFadden, A. J.  
 Rutan, A. W.  
 Scarborough & Forgey.  
 Simon, W. W.  
 Smith, J. P.  
 Thomas, W. H.  
 Towner, J. W.  
 West, L. A., Dist. Atty.  
 West, Z. B., Supr. Judge.  
 Williams, B.  
 Williams, R. Y.

**SANTA BARBARA, Santa Barbara Co.—**

Buck, M. H.  
 Butcher, W. P., City Atty.  
 Canfield & Starbuck.

- SANTA BARBARA, Santa Barbara Co.—Continued.**  
 Canfield, R. B.  
 Colby, J. L.  
 Crow, S. E., Supr. Judge.  
 Gammill, W. C.  
 Gould, Geo. H.  
 Griffith, Wm. G.  
 McGrath, E. R.  
 Perkins, J. J.  
 Perrigo, G. A.  
 Richards & Carrier.  
 Rizor, E. A.  
 Schauer, F. H.  
 Smith, J. Will.  
 Squire, E. W.  
 Squire, John J.  
 Storke, C. A.  
 Thomas, B. F.  
 Thompson, C. A.
- SANTA CLARA, Santa Clara Co.—**  
 Albertson, L. A.  
 Kimberlin, H. V.
- SANTA CRUZ, Santa Cruz Co.—**  
 Atterage, L. J.  
 Aydelotte, W. M.  
 Bias, H. J.  
 Carpenter, F. J.  
 Cassin, C. M.  
 Clark, D. C.  
 Davids, H. B.  
 Gardner, W. M.  
 Houck & Crittenden.  
 Jeter, W. T.  
 Knight, Ben. K.  
 Kramer, E. C.  
 Leonard, J. H.  
 Logan, J. H.  
 Martin, Ed.  
 Mitchell, A. E.  
 Netherton, W. P.  
 Osborn, H. R.  
 Rittenhouse, Emmett C.  
 Rittenhouse & Johnson.  
 Smith, L. F., Supr. Judge.  
 Smith, L. F. Jr.  
 Smith, Ralph.  
 Stanley, Geo. F.  
 Storey, W. D.  
 Wanzer, J. O.  
 Wheeler, J. S.  
 Younger, C. B.
- SANTA MARIA, Santa Barbara Co.—**  
 Armstrong, C. U.  
 Bigler, A. B.  
 Conkey, J. F.  
 Finley, T. R.  
 Leslie, A.  
 Preisker & Preisker.  
 Preisker, Thos.
- SANTA MONICA, Los Angeles Co.—**  
 Bashore, Ellis.  
 Hutton, G. H., Supr. Judge.  
 Odell, Robt. A.  
 Palmer, W. M.  
 Taft, H. W.  
 Tanner, Taft & Oddell.  
 Wagner, Frank G.  
 Weber, Arthur A.
- SANTA PAULA, Ventura Co.—**  
 Blanchard, Arthur H.
- SANTA ROSA, Sonoma Co.—**  
 Barham, J. A.  
 Berry, J. P.  
 Butts, T. J.  
 Campbell, Jno. Tyler.  
 Campbell, R.  
 Comstock, Hilliard.  
 Cowan, W. F.  
 Crawford, R. F.  
 Denny, T. C., Supr. Judge.  
 Dougherty, S. K.  
 Fulwider, L. E.  
 Gale, D. B.  
 Geary, T. J.  
 Hoyle, G. W.  
 Johnson, A. M.  
 Juilliard, L. W.  
 Kellogg, F. H.  
 Kellogg, L. B.  
 Lea, C. F.  
 Lemmon, F. G.  
 Leppo, J. R.  
 McConnell, W. E.  
 Martin, F. McG. (Mrs.)  
 Oates, James W.  
 Pressley, L. A.  
 Schlotterback, P. L.  
 Seawell, E., Supr. Judge.  
 Thompson, J. M.  
 Thompson, R. L.  
 Vaughn, M. T.  
 Ware, A. B.  
 Ware, Philip.  
 Weske, H. W. A. Jr.
- SAUSALITO, Marin Co.—**  
 Meldon, O. F.  
 Pistolesi, L. C.  
 Vincilions, P.
- SAWTELLE, Los Angeles Co.—**  
 Bowers, W. H.  
 Ewing, R. C.
- SEBASTOPOL, Sonoma Co.—**  
 Libby, Geo.  
 Perrier, C. R.  
 Perrier & Libby.  
 Scott, L. G.

**SELMA, Fresno Co.—**

Good, W. B.  
Laughlin, E. C.  
Richards, E. S.  
Shepard, E. E.  
Smith, J. H.

**SIERRA CITY, Sierra Co.—**

Deerwater, D. W.

**SIERRA MADRE, Los Angeles Co.—**

Bridges, H. F.  
Montgomery, C. C.  
Moote, F. D. R.

**SISSON, Siskiyou Co.—**

Haese, Otto L.  
McGuinness, Henry.  
Ney, John.

**SONOMA, Sonoma Co.—**

Cowgill, C. C.  
Dubring, F. T.  
Mathewson, H. P.  
Poppe, R. A.  
Sprague, Frank.

**SONORA, Tuolumne Co.—**

Curtin, J. B., State Senator.  
Hampton, C.  
Hardin, Rowan, Dist. Atty.  
Holland, E. W.  
Nicol, G. W., Supr. Judge.  
Otis, F. P.  
Segerstrom, Chas. H.  
Webster, J. C.

**SOUTH PASADENA, Los Angeles Co.—**

Hamm, J. C.  
Hazlett, Wm.  
Moore, R. A.

**STANFORD UNIVERSITY—**

Hohfeld, Wesley H.

**STOCKTON, San Joaquin Co.—**

Ashley, A. H.  
Beardsley, R. L.  
Berry, B.  
Bluett, Stephen.  
Buck, Geo. F.  
Budd, J. E.  
Carpenter, A. H.  
Case, C. C.  
Clary & Louttit.  
Dodge, R. W.  
Foltz, Edw. P.  
Freitas, Law T.  
Gill, C. M.  
Graham, E. D., Co. Clk.  
Grimm, Max.  
Henry, M. J.  
Housken, F. O.  
Jones, Hon. E. J.

**STOCKTON, San Joaquin Co.—Continued.**

Kile, J. M.  
Leistner, G. W.  
Levinsky, A. L.  
Light, Chas.  
Little, J. P.  
McNoble, G. F.  
McNoble, H. B.  
Marceau, D. C.  
Marrs, O. L.  
Miller, C. W.  
Minor, R. O.  
Newmiller, C. L.  
Norton, C. W., Supr. Judge.  
Nutter, W. B.  
Nutter & Orr.  
Orr, M. F.  
Parker, A. C.  
Parkinson, O. B.  
Plummer, J. A., Supr. Judge.  
Rendon, C. P.  
Rutherford, W. N.  
Scanlon, A. V.  
Smith, F. H., Supr. Judge.  
Spurrier, S. M.  
Stanley, H. C.  
Stewart, Gordon A.  
Von Detten, Otto, City J. P.  
Van Vranken, Edw.  
Washington, W. A.  
Webster & Webster.  
White, A. C.  
Wilson, John A.  
Wulff, B.  
Young, D. M.

**SUISUN, Solano Co.—**

Buckles, A. J., Supr. Judge.  
Devlin, R. Frank.  
Goodell, B. J.  
Goodman, W. U.  
Gregory, T. T. C.  
Harlan, Paul C.  
Hunnewell, R. F.  
McInnis, F. C.  
Raines, Joseph M., Dist. Atty.

**SUSANVILLE, Lassen Co.—**

Arnold, M.  
Boardman, W. M.  
Burroughs, H. D., Supr. Judge.  
Johnson, G. P., Dist. Atty.  
Kelley, Frank A.  
Pardee & Pardee.  
Rankin & Julian.  
Rankin, R. M.  
Sharp, J. T.

**SUTTER CREEK, Amador Co.—**

Curts, John G.  
McGee, W. J.  
Rose, W. L.

**TOMALES, Marin Co.—**  
Keyes, James W.

**TBACY, San Joaquin Co.—**  
Housken, F. O.

**TROPICO, Los Angeles Co.—**  
Burch, N. C.

**TRUCKEE, Nevada Co.—**  
Gleeson, P. F.  
Kelley & Kelley.  
McGlasham, C. F.  
Rutherford, Frank M.

**TULARE, Tulare Co.**  
Davis, J. W.  
DeWitt, W. M., J. P.  
Gill, Geo. F.  
Russell, Calvin L.  
Scott, C. R.  
Zartman, G. W.

**TUBLOCK, Stanislaus Co.—**  
Fowler, R. R.  
Harris & Johnson.

**UKIAH, Mendocino Co.—**  
Carothers, T. L.  
Duncan, Robt., Dist. Atty.  
Hale, Theodore P.  
Henley, Ed. V.  
Henley, Lapsey C.  
Hirsch, M.  
Iverson, M. H.  
McCowen, Hale, Clk. Ct.  
McCowen, Hale, Jr.  
Mannon, J. M.  
Mannon & Mannon, J.  
McNab & Hirsch.  
Pemberton, J. E.  
Peirsol, J. K.  
Poage, W. G.  
Preston, J. W.  
Preston & Preston.  
Redwine, Geo. E.  
Ruddock, J. C.  
Thomas, W. P.  
Thomas & Thomas.  
Weldon & Held.  
White, J. Q., Crim. Supr. Judge.

**VACAVILLE, Solano Co.—**  
McMillan, R. B.  
Reynolds, Thos. E.  
Tate, H. P.

**VALLEJO, Solano Co.—**  
Devlin, R. Frank.  
Foster, W. W.  
Greenwood, H. V.  
Harrier, L. G.  
Hilton, Oscar T.  
Lindauer, Arthur.  
Lynch, P. B.  
O'Donnell, W. T.

**VALLEJO, Solano Co.—Continued.**  
O'Leary, J. H.  
Raines, Jos. M.

**VENICE, Los Angeles Co.—**  
Hanna, Byron C.  
Parker, Forcee.

**VENTURA, Ventura Co.—**  
Barnes, W. H.  
Blackstock, C. F.  
Bowker, Don G., Dist. Atty.  
Clarke, R. M., Superior Judge.  
Ewing, F. W.  
Farrand, G. E.  
Gardner, E. S.  
Knox, Clay G.  
Moas, E. E.  
Orr, H. F.  
Orr, Orestes.  
Rodgers, M. J.  
Selby, L.  
Shepherd, W. E.  
Sheridan, R. M.  
Stewart, I. W.

**VISALIA, Tulare Co.—**  
Allen, J. A., Supr. Judge.  
Bagby, Earl A.  
Bradley, N. O.  
Bradley & Bradley.  
Burke, Jas. M.  
Clack, J. S.  
Clark, T. E.  
Daggett, A.  
Edwards, D. M.  
Edwards & Smith,  
Farnsworth, E. C.  
Feemster, E. I.  
Gray, Wheaton A., Jus. Dist. Ct.  
Appl.  
Hannah, J. A.  
Hannah & Miller.  
Lamberson, Chas. G.  
Lamberson & Lamberson.  
Larkin, E. O.  
Larkin & Feemster.  
McClure, H. B.  
McFadzean, Danl.  
Machetanz, Karl A.  
Miller, H. T.  
Perkins, D. E.  
Power, M. E.  
Power & McFadzean.  
Walker, Ralph.  
Wallace, W. B., Supr. Judge.

**WALNUT CREEK, Contra Costa Co.—**  
Ormsby, A. S.

**WATSONVILLE, Santa Cruz Co.—**  
Dickman, A.  
Gaffey, T. J.  
Hall, J. A.  
Hudson & Burke.

## WATSONVILLE, Santa Cruz Co.—Continued.

Kelly, Edw.  
McSherry, Patrick J.  
Maher, David F.  
Maloy, J. L.  
Sans, A. W.  
Sheehy, Phil.  
Smith, Geo. W.  
Taylor, Chas. R.  
Wyckoff, A. C.  
Wyckoff & Gardner.

## WATTS, Los Angeles Co.—

Mardock, J. E.  
Shoaff, P.

## WEAVERVILLE, Trinity Co.—

Bartlett, Jas. W., Judge.  
Given, H. R.  
Reid, John S.  
White, C. Wm.

## WHITTIER, Los Angeles Co.—

Graham, Ralph F.  
Holland, H. W.  
McCaslin, M. G.  
Meek, Dudley.  
Moore, A.  
Owens, M. T.  
Woodward, R. R.

## WILLITS, Mendocino Co.—

Goldberg, C. H.  
Whitney, E. M.

## WILLOW, Glenn Co.—

Albery, H. M. Jr.  
Belieu, W. T.  
Bell, Harry.  
Bordner, R. O.  
Donohoe, C. L.  
Farnham, L. P.  
Finch, W. M., Supr. Judge.  
Freeman, F.  
Freeman, Geo. R.  
Geis, Ben. F.  
Geis, Durand F.  
Moody, Frank.  
Parks, Geo. M.  
Purkitt, C. F., Dist. Atty.  
Sale, W. H., Co. Clk.  
West, Glenn.  
Zumwalt, A. J.

## WILMINGTON, Los Angeles Co.—

Carter, Henry E.  
Eubank, C. H.

## WINTERS, Yolo Co.—

Cowgill,  
Wilson, Clarence L.

## WOODLAND, Yolo Co.—

Anderson, W. A.  
Armfield, Elmer.  
Bailey, A. G.  
Bailey & Wilson.  
Bruton, P.  
Craig, Jos.  
Gaddis, E. E.  
Gibbs, Guy V.  
Grant, W. H.  
Hare, James L.  
Hawkins, N. A., Supr. Judge.  
Hillhouse, Byron.  
Hurst & Hurst.  
Huston, A. C.  
Huston, H. L.  
Julian, Grove C.  
Julian & Gibbs.  
Phillips, Welton, J.  
Strong, J. E.  
Thomas, C. W.  
Thomas, C. W. Jr.  
Whitney, E. V. (Mrs.)  
Whitney, G. W.

## YREKA, Siskiyou Co.—

Butler, C. E.  
Coburn, L. F.  
Collier, B. K.  
Fairchild, J. D.  
Farraher, Jas. F.  
Gillis, C. E.  
Jared, E. F.  
Hooper, Frank W.  
Lodge, Jas. F., Supr. Judge.  
Luttrell, Chas. J.  
Raynes, H. R.  
Stafford, J. I.  
Strother & Jared.  
Tapscott, Jas. R.  
Taylor & Tebbe.  
Tebbe, Geo. A.

## YUBA CITY, Sutter Co.—

Green, D. D., Clk. Ct. .  
Hewitt, A. H.  
McLaughlin, A. C.  
Mahon, K. S., Supr. Judge.  
Sanborn, M. E.  
Schilling, L., Dist. Atty.

## ABSTRACTERS OF TITLE.

- ALAMEDA**—Alameda County Abstract Co., Oakland; John McCarthy, President and Manager. Oakland Title and Abstract Co., Oakland. Stocker and Holland Abstract Co., Oakland; A. P. Holland, President.
- ALPINE**—Frank Smith; Fred S. Dunlap, (Markleeville).
- AMADOR**—M. E. Fontenrose, Jackson.
- BUTTE**—W. T. Baldwin, Oroville.
- CALAVERAS**—W. A. Dower, San Andreas.
- COLUSA**—J. B. De Jarnott & Son; J. W. W. Goad; B. D. Beckwith.
- CONTRA COSTA**—Contra Costa Abstract and Title Co., Martinez; A. E. Dunkel, Manager. Martinez Abstract and Title Co., Martinez, Chas. G. Bacon, Manager.
- DEL NORTE**—County Recorder.
- EL DORADO**—Pierce-Bosquit Abstract and Title Company.
- FRESNO**—Fresno County Abstract Co., 1117 K St., Fresno; W. W. Eden, Secretary and Manager. San Joaquin Abstract Co., 1156 J. St., Fresno; Jarvis Streeter Jr., Secretary and Manager.
- GLENN**—John H. Graves, Willows.
- HUMBOLDT**—Belcher & Crane Co., Eureka.
- IMPERIAL**—People's Abstract & Trust Co., El Centro.
- INYO**—Frank C. Scherrer and C. I. MacFarlane (both at Independence).
- KERN**—Title Assurance Company of Kern Co., Bakersfield; Chas. P. Clark, Manager.
- KINGS**—J. H. Farley; Hanford Abstract Co.; and Kings Co. Abstract Company.
- LAKE**—Lake County Title & Abstract Co., Lakeport; Geo. H. Neal, Secretary.
- LASSEN**—Lassen County Title & Abstract Co., Susanville; Miss L. A. Lowe, Secretary.
- LOS ANGELES**—California Title Guaranty Co., 329 W. Third St., Los Angeles. Los Angeles Abstract & Trust Co., 325 So. Hill St., Los Angeles; L. J. Selby, Secretary and Manager. Title Insurance & Trust Co., T. I. & T. Building, Los Angeles; Lee C. Gates, Chief Counsel. Title Guarantee & Trust Co.
- MADERA**—Madera Abstract Co., Madera; E. M. McCordle, Secretary and Manager.
- MARIN**—Abstract and Record Searching Co., San Rafael. Abstract and Title Co., San Rafael.
- MARIPOSA**—F. A. Bondsho; W. E. Gallison; Alice C. Corcoran; L. J. Harris, c/o Recorder.
- MENDOCINO**—Ukiah Guarantee Abstract and Title Co., Ukiah; P. Connolly, President.
- MERCED**—Abstract Title and Investment Co., Merced; W. E. Morton, Manager. Simonson and Harrell, Merced.
- MODOC**—Modoc Abstract Co., Alturas.
- MONO**—Geo. Delaney, County Recorder (at Bridgeport).
- MONTEREY**—Salinas Abstract Co., Salinas.
- NAPA**—Guarantee Abstract Company of Napa, Napa.
- NEVADA**—Pierce-Bosquit Abstract and Title Company (Nevada City).
- ORANGE**—Orange County Title Co. Santa Ana. Abstract and Title Guaranty Co., Santa Ana.
- PLACER**—Placer County Abstract and Title Co., Auburn.
- PLUMAS**—Plumas Co. Abstract Company (Quincy).
- RIVERSIDE**—Riverside Abstract Co. Riverside; Raymond Best, Manager. Riverside Title and Trust Co., Riverside; Chas. E. Johnson, Manager. Union Title & Abstract Co., Riverside.
- SACRAMENTO**—Buckley-Gerber Abstract and Title Co., Sacramento; F. X. Wiesenhofer, Manager.

**SACRAMENTO—Continued.**

Pierce-Bosquit Abstract and Title Co., 905 Sixth St., Sacramento; Ross E. Pierce, Manager. Sacramento Abstract and Title Co., 701 I St., Sacramento; John R. La Rue, Secretary and Treasurer.

**SAN BENITO**—G. W. McConnell (Hollister).

**SAN BERNARDINO**—Consolidated Abstract and Title Guaranty Co., San Bernardino; A. L. Sloan, Manager. Pioneer Abstract and Title Guaranty Co., San Bernardino; W. N. Glascock, Assistant Manager. Redlands Abstract and Title Guaranty Co., Redlands.

**SAN DIEGO**—Union Title and Trust Co., 903 Fourth St., San Diego; John R. Forward, Manager.

**SAN FRANCISCO**—California Pacific Title and Trust Co., California-Pacific Building, San Francisco; Murray F. Vandall, Manager. Standard Title Insurance Co., Mills Building, San Francisco; Livingston Jenks, President and Manager. Title Insurance & Guaranty Co., 250 Montgomery St., San Francisco; A. J. Carmany, Manager.

**SAN JOAQUIN**—San Joaquin County Abstract Co., Stockton; E. D. Taylor, Manager.

**SAN LUIS OBISPO**—E. R. Rogers; Abstract and Title Bureau; San Luis Obispo Abstract Co.

**SAN MATEO**—The Abstract of Title Company of San Mateo County, Redwood City; R. F. Chilcott, Secretary and Manager. J. F. Johnston Abstract Co., Redwood City; R. H. Curran, Manager. Geo. H. Rice Abstract Co., Redwood City; C. M. Doxsee, Manager.

**SANTA BARBARA**—Santa Barbara Abstract and Guaranty Co., Santa Barbara.

**SANTA CLARA**—San Jose Abstract Co., San Jose; L. P. Edwards, Manager.

**SANTA CRUZ**—L. J. Dake; Santa Cruz Law and Abstract Company, 4 Cooper Place; also, J. O. Wanler.

**SHASTA**—Carl R. Briggs Abstract and Title Co., Redding; Carl R. Briggs, Manager.

**SIERRA**—Wehe & Redding; H. E. Quigley, County Recorder; Jas. F. Hunt (Downieville).

**SISKIYOU**—Butler & Butler, Siskiyou Abstract Company (Yreka); S. W. Armstrong.

**SOLANO**—J. P. Griffiths Abstract and Title Co., Fairfield; J. P. Griffiths, Manager. Solano County Abstract Co., Fairfield; Jas. N. Watson, Secretary.

**SONOMA**—Sonoma County Abstract Bureau, Santa Rosa; F. H. Kellogg, President.

**STANISLAUS**—Modesto Title Abstract Co., Modesto; B. C. Hawkins, Secretary. Stanislaus Land and Abstract Co., Modesto; Martin B. Green, Attorney.

**SUTTER**—A. H. Hewitt, D. D. Green & Williams (Yuba City).

**TEHAMA**—W. L. Bradford; J. N. True (Red Bluff).

**TRINITY**—H. L. Lowden, Trinity Real Estate and Abstract Company (Weaverville).

**TULARE**—Abstract and Title Guaranty Co., Visalia. Tulare County Abstract Co., Visalia; A. D. Wilson, Manager. Visalia Abstract Co., Visalia; J. H. Bliss, Manager.

**TUOLUMNE**—Sonora Abstract and Trust Company (Sonora).

**VENTURA**—Ventura Abstract Co., Ventura.

**YOLO**—Yolo County Title Abstract Company (Woodland).

**YUBA**—Yuba County Abstract Company; Chas. J. Covilland, Attorney at Law, Peri Block (Marysville).

**NOTE.**—The officers named above represented their respective companies at the last convention.

**LIST OF NEWSPAPERS.**

(For Publication of Legal Notices)

- ALAMEDA COUNTY**—Oakland.  
"Oakland Tribune," daily.
- ALPINE COUNTY**—Markleeville.  
No paper. See Jackson, Amador County.
- AMADOR COUNTY**—Jackson.  
"Amador Dispatch," weekly, Friday.
- BUTTE COUNTY**—Oroville.  
"Oroville Register," daily except Sunday.
- CALAVERAS COUNTY**—San Andreas.  
"Calaveras Citizen," weekly, Saturday.
- COLUSA COUNTY**—Williams.  
"The Farmer," weekly, Saturday.
- CONTRA COSTA COUNTY**—Martinez.  
"Martinez Standard," daily except Sundays.  
"Contra Costa Standard," weekly, Saturday.
- DEL NORTE COUNTY**—Crescent City.  
"Del Norte Record," weekly, Saturday.
- EL DORADO COUNTY**—Placerville.  
"Republican and Nugget," daily except Sunday.  
"El Dorado Republican and Nugget," weekly, Friday.
- FRESNO COUNTY**—Fresno.  
"Fresno Republican," daily.
- GLENN COUNTY**—Willows.  
"Journal," daily except Sunday.
- HUMBOLDT COUNTY**—Eureka.  
"Eureka Herald," daily.  
"Californian," weekly, Saturday.
- IMPERIAL COUNTY**—El Centro.  
"Imperial Valley Press," daily except Sunday.
- INYO COUNTY**—Independence.  
"The Inyo Independent," weekly, Friday.
- KERN COUNTY**—Bakersfield.  
"Bakersfield Californian," daily except Sunday.  
"California Oil World," weekly, Thursday.
- KINGS COUNTY**—Hanford.  
"Hanford Journal," daily except Sunday.
- LAKE COUNTY**—Lakeport.  
"Clear Lake Press," weekly, Saturday.
- LASSEN COUNTY**—Susanville.  
"Lassen Advocate," weekly, Friday.
- LOS ANGELES COUNTY**—Los Angeles.  
"Los Angeles Examiner," daily.  
"Los Angeles Times," daily.
- MADERA COUNTY**—Madera.  
"Madera Mercury," daily except Sunday.
- MARIN COUNTY**—San Rafael.  
"San Rafael Independent," weekly, Tuesday.
- MARIPOSA COUNTY**—Mariposa.  
"Mariposa Gazette," weekly, Saturday.
- MENDOCINO**—Ukiah.  
"Ukiah Dispatch Democrat," weekly, Friday.
- MERCED COUNTY**—Merced.  
"Merced Sun," daily except Sunday.  
"Merced Express," weekly, Saturday.
- MODOC**—Alturas.  
"Alturas Plain Dealer," weekly, Friday.
- MONO COUNTY**—Bridgeport.  
"Bridgeport Chronicle," weekly, Saturday.
- MONTEREY COUNTY**—Salinas.  
"Salinas Democrat," daily except Monday.  
"Monterey County Democrat," weekly, Friday.
- NAPA COUNTY**—Napa.  
"Napa Journal," daily except Monday.
- NEVADA COUNTY**—Nevada City.  
"Nevada Transcript," daily except Sunday.
- ORANGE COUNTY**—Santa Ana.  
"Santa Ana Register," daily, except Sunday.



- PLACER COUNTY**—Auburn.  
"Placer County Republican," weekly, Thursday.
- PLUMAS COUNTY**—Quincy.  
"Plumas Independent," weekly, Wednesday.
- RIVERSIDE COUNTY**—Riverside.  
"Riverside Enterprise," daily except Monday.  
"Arlington Times," weekly, Thursday.
- SACRAMENTO COUNTY**—Sacramento.  
"Sacramento Bee," daily except Sunday.  
"Sacramento Journal," weekly, Saturday.
- SAN BENITO**—Hollister.  
"Hollister Free Lance," daily except Sunday.  
"Hollister Bee," weekly, Friday.
- SAN BERNARDINO COUNTY**—San Bernardino.  
"San Bernardino Index," daily except Sunday.
- SAN DIEGO COUNTY**—San Diego.  
"San Diego Sun," daily except Sunday.  
"San Diego Herald," weekly, Thursday.
- SAN FRANCISCO COUNTY**—San Francisco.  
"San Francisco Chronicle," daily.  
"The Star," weekly, Saturday.
- SAN JOAQUIN COUNTY**—Stockton.  
"Stockton Mail," daily except Sunday.  
"Stockton News Advocate," weekly, Friday.
- SAN LUIS OBISPO COUNTY**—San Luis Obispo.  
"San Luis Obispo Tribune," daily except Monday.
- SAN MATEO COUNTY**—Redwood City.  
"Redwood Democrat," weekly, Thursday.
- SANTA BARBARA COUNTY**—Santa Barbara.  
"Santa Barbara Independent," daily except Sunday.
- SANTA CLARA COUNTY**—San Jose.  
"San Jose Mercury," daily except Sunday.
- SANTA CRUZ COUNTY**—Santa Cruz.  
"Santa Cruz News," daily except Sunday.
- SHASTA COUNTY**—Redding.  
"Shasta Searchlight," daily except Monday.
- SIERRA COUNTY**—Downieville.  
"Downieville Mountain Messenger," weekly, Saturday.
- SISKIYOU COUNTY**—Yreka.  
"Siskiyou News," weekly, Thursday.
- SOLANO COUNTY**—Fairfield.  
"Fairfield Enterprise," weekly, Saturday.
- SONOMA COUNTY**—Santa Rosa.  
"Santa Rosa Press Democrat," daily except Monday.  
"Sonoma County Herald," weekly, Friday.
- STANISLAUS COUNTY**—Modesto.  
"Modesto Herald," daily except Monday.
- SUTTER COUNTY**—Yuba City.  
"Sutter County Farmer," weekly, Friday.
- TEHAMA COUNTY**—Red Bluff.  
"Red Bluff News," daily except Monday.
- TRINITY COUNTY**—Weaverville.  
"Trinity Journal," weekly, Saturday.
- TULARE COUNTY**—Visalia.  
"Visalia Times," daily except Sunday.
- TUOLUMNE COUNTY**—Sonora.  
"Sonora Banner," weekly, Friday.
- YOLO COUNTY**—Woodland.  
"Woodland Democrat," daily except Sunday.  
"Yolo Democrat," weekly, Thursday.
- YUBA COUNTY**—Marysville.  
"Marysville Appeal," daily except Monday.

## SENATORIAL DISTRICTS.

(For Districts not included below, see map at end of volume.)

13th. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along center line of the Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B." or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda county; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara county; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning.

14th. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the

westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda county; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland township and the point of beginning.

15th. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence easterly along the northern boundary line of Alameda township to the westerly line of Brooklyn township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the south-

eastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda county; thence northwesterly along the county boundary line to the point of beginning.

16th. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning.

18th. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco.

19th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific ocean; thence along said shore line to Lobos creek where the same enters into the Pacific ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning.

20th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly and easterly to Lobos creek; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands.

21st. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel rancho; thence along the line of said San Miguel rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, and the following described portion of the city and county of

San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning.

22d. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning.

23d. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning.

24th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of

the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning.

27th. All that portion of the county of Santa Clara not included in the twenty-eighth senatorial district.

28th. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred and ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two.

29th. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the north patent boundary line of the city of Los Angeles with the center line of the Los Angeles river; thence southeasterly and southerly along the center line of the Los Angeles river and the center line of the official bed of the Los Angeles river to its intersection with the center line of North Broadway from the east; thence along the center line of the following named streets, to wit: North Broadway to Daly street, Daly street to Mission road, Mission road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly along the line of assembly district number sixty-five, as designated and constituted by section ninety of the Political Code, to the center line of the official bed of the Los Angeles river; thence southerly along the line last mentioned and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along the line last mentioned to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west, Twenty-first street to Maple avenue, Maple avenue to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard

to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary of the city of Los Angeles; thence easterly along the line last mentioned to the place of beginning.

31st. All that portion of the county of Los Angeles embraced within and comprising the seventy-first and seventy-second assembly districts.

33d. All that portion of the county of Los Angeles embraced within and comprising the sixty-eighth and seventieth assembly districts.

34th. All that portion of the county of Los Angeles embraced within and comprising the sixty-second assembly district, all that portion of said county bounded as follows: Commencing at the intersection of the center line of Washington street and Hoover street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Seventh street, Seventh street to Vermont avenue, Vermont avenue to Melrose avenue, Melrose avenue to the west patent boundary line of said city; thence north along said patent boundary line to the northwest corner of said city as described in the United States patent; thence east along the north patent boundary of said city to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning.

35th. All that portion of the county of Los Angeles embraced within and comprising the sixty-sixth and sixty-ninth assembly districts.

36th. All that portion of the county of Los Angeles embraced within and comprising the sixty-seventh assembly district as designated and constituted by section ninety of the Political Code, and all that portion of said county embraced within and comprising the sixty-first assembly district, as so designated and constituted, excepting therefrom that portion of said sixty-first assembly district situate within the city of Los Angeles and lying west of the following described lines, to wit: Beginning at the intersection of the north patent boundary line of said city with the center line of the Los Angeles river; thence south-easterly and southerly along the center line of the Los Angeles river and the center line of the official bed of the Los Angeles river to its intersection with the center line of North Broadway from the east.



37th. All that portion of the county of Los Angeles described as follows: Beginning at the intersection of the center lines of Wall street and Fifth street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary line of the city of Los Angeles; thence west along said boundary line to the northwest corner of said city as described in the United States patent; thence south along the west patent boundary line of said city to the center line of Melrose avenue; thence along the center line of the following named streets, to wit: Melrose avenue to Vermont avenue, Vermont avenue to Seventh street, Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Blaine street, Blaine street to Tenth street, Tenth street to Georgia street, Georgia street to Ottawa street, Ottawa street to Figueroa street, Figueroa street to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, the place of beginning.

38th. All that portion of the county of Los Angeles bounded as follows: Beginning at the intersection of the center line of Maple street and Eleventh street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Eleventh street to Figueroa street, Figueroa street to Ottawa street, Ottawa street to Georgia street, Georgia street to Tenth street, Tenth street to Blaine street, Blaine street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles; thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west; Twenty-first street to Maple avenue, Maple avenue to Eleventh street the place of beginning.

## ASSEMBLY DISTRICTS.

(For Districts not included below, see map at end of volume.)

12th. All that portion of the county of Sonoma comprising the following election precincts of nineteen hundred and ten, to wit: Bloomfield, Blucher, Bodega, Cazadero, Cotati, Dry Creek, Duncan's Mills, Forestville, Freestone, Graton, Healdsburg City numbers one to four inclusive, Healdsburg Road, Lakeville, Magnolia, Marin, Mendocino, Molino, Occidental, Pennsgrove, Petaluma numbers one to seven inclusive, East Redwood, West Redwood, Sebastopol numbers one and two, Skagg's Spring, Stewart's Point, Table Mountain, Timber Cove, Valley Ford, and Wilson.

13th. All that portion of the county of Sonoma not embraced in the twelfth assembly district.

14th. All that portion of the county of Sacramento, composed of that part of the city of Sacramento, lying north of the center of "K" street, and east of the center of Thirty-first street, and all that portion of said Sacramento county included within the boundaries of "American Township," "Brighton Township," "Center Township," "Granite Township," "Mississippi Township," "Natoma Township," and "Sutter Township," as said townships existed on the first day of January, 1911, shall constitute the fourteenth assembly district.

15th. All that portion of the county of Sacramento not included in the fourteenth assembly district shall constitute the fifteenth assembly district.

19th. All that portion of the county of San Joaquin not included in the twentieth district.

20th. All that portion of the county of San Joaquin comprising the city of Stockton.

21st. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the waters of the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning.

22d. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue, continuing thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of the bay of San Francisco to its intersection

with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning.

23d. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the center line of San Jose avenue; thence along the center lines of the following named streets, to wit: San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning.

24th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets, thence along the center line of the following named streets, to wit: Dolores to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line, westerly, to the waters of the Pacific ocean; thence along the shore line of said ocean northerly, to the Sloat boulevard; thence along the center lines of the following named streets, to wit: Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second street to Dolores, the place of beginning.

25th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Dolores street, continuing along the center lines of the following named streets, to wit: Dolores to Twenty-ninth, Twenty-ninth to Mission, Mission to Army, Army to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Harrison, Harrison to Eighteenth, Eighteenth to Dolores, the point of commencement.

26th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister and Fillmore streets, continuing thence along the center line of the following named streets, to wit: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton to Ashbury, Ashbury to Piedmont, Piedmont to Masonic avenue, Masonic avenue to Java street, Java street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Masonic avenue, Masonic avenue to McAllister street, McAllister street to Fillmore street, the place of beginning.

27th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Masonic avenue; thence along the center line of the following

named streets, to wit: Masonic avenue to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Java street, Java street to Masonic avenue, Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly to Fulton street, Fulton street to Masonic avenue, the place of beginning.

28th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Parker avenue, thence along the center line of the following named streets, to wit: Parker avenue to California street, California street to Maple avenue, Maple avenue to the southerly line of the Presidio Reservation; thence westerly along the southerly boundary of the Presidio Reservation to Lobos creek; thence along the center line of Lobos creek to the waters of the Pacific ocean; thence westerly and southerly along the said shore line to Fulton street, Fulton street to Parker avenue, the point of beginning, together with the islands known as the Farallon islands.

29th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister street and Van Ness avenue, thence along the center lines of the following named streets, to wit: Van Ness avenue to Market street, Market street to Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth street to Harrison street, Harrison street to Eighteenth street, Eighteenth street to Church street, Church street to Duboce avenue, Duboce avenue to Fillmore street, Fillmore street to McAllister street, McAllister street to Van Ness avenue, the place of beginning.

30th. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to McAllister street, McAllister to Masonic avenue, Masonic avenue to Fulton street, Fulton street to Parker avenue, Parker avenue to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning.

31st. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to the bay of San Francisco, thence along the shore line of said bay to the waters of the Pacific ocean; thence along the shore line of said ocean to Lobos creek; thence along the line of said Lobos creek to the southerly boundary line of Presidio Reservation; thence along said boundary line to Maple street, Maple street to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning.

32d. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing along the center line of the following named streets, to wit: Van Ness avenue to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Jones street, Jones street to Green street, Green street to Mason street, Mason street to Ellis street, Ellis street to Jones street, Jones street to Market street, Market street to Van Ness avenue, the point of beginning.

33d. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Jones street, continuing thence along the center line of the following named streets, to wit: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Jones, Jones to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market street to Jones street, the point of beginning and the islands of the bay of San Francisco within the city and county of San Francisco.

34th. All of that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda.

35th. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary

line of Alameda township to its intersection with the westerly boundary line of Alameda county; thence southeasterly along said county boundary line to the point of beginning.

36th. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue and the point of beginning.

37th. All of that portion of the county of Alameda, described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the eastern boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal creek; thence westerly down the center of Temescal creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning.

38th. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline

street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street; thence easterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning.

39th. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal creek; thence westerly down the center of Temescal creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of same to its intersection with the westerly boundary line of Alameda county; thence southerly along the westerly boundary line of Alameda county to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street and the point of beginning.

40th. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal creek; thence up the center of Temescal creek to the center line of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices creek; thence westerly down the center line of Codornices creek to the easterly boundary line of the town of Albany; thence northerly along the easterly boundary

line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning.

41st. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first street or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first or Vernon street to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland as the same existed prior to the annex of 1909 to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northerly boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda county; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center of Codornices creek; thence easterly up the center of Codornices creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first or Vernon street and the point of beginning.

44th. All that portion of the county of Santa Clara not included in the forty-fifth assembly district shall constitute the forty-fourth assembly district.

45th. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in 1910, to wit: Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandallville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas (numbers one and two), Mountain View (numbers one and two), Mount Hamilton, Orchard, Palo Alto (numbers one to five, inclusive), Purissima, San Jose (numbers one to twelve, inclusive), Santa Clara (numbers one to four, inclusive), Saratoga, Stanford, Stockton, Sunnyvale (numbers one and two), and University (numbers one and two), shall constitute the forty-fifth assembly district.



50th. All that portion of the county of Fresno comprising the precincts of Black Mountain, Balfour, Barstow, Bryant, Cantua, Central Colony, Coalinga No. 1, Coalinga No. 2, Coalinga No. 3, Coalinga No. 4, Coalinga No. 5, Crescent, Chicago, Fresno County, Fowler, Firebaugh, Houghton, Huron, Iowa, Jameson, Kerman, Kingsburg, Layton, Laguna, Liberty, Lewis Creek, Lucern, Madison, Mendota, Monroe, New Hope, Oleander, Panoche, Pleasant Valley, Terry, Washington Colony, Wildflower, Wartham, and West Park.

51st. All that portion of the county of Fresno included in and comprising Fresno City precincts numbered one to twenty-five, both inclusive, and the precincts of Hedges, Belmont, Arlington and East Fresno.

52d. All that portion of the county of Fresno not included in the fiftieth and fifty-first assembly districts.

57th. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Oro Grande, and Barstow.

58th. All that portion of the county of San Bernardino not included within the fifty-seventh assembly district.

61st. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Canada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropicco numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, and the following described portion of the city of Los Angeles: Beginning at the northeast corner of said city as described in the United States patent; thence following the exterior boundary line of said city as the same existed November 1, 1911, north, northeasterly, easterly, northerly and easterly in a general northeasterly direction to the extreme northeastern corner of said city; thence along the north line of said city west, southwest and southerly following such exterior boundary line of said city to the north patent boundary thereof; thence along the same west to the center line of Alvarado street; thence along the center line of the following named streets, to wit: Alvarado street to Sunset boulevard, Sunset boulevard to Park Terrace, Park Terrace to Look Out Drive, Look Out Drive to Adobe street, Adobe street to Bernardo street, Bernardo street to North Broadway, North Broadway (crossing the official bed of the Los Angeles river) to Daly street. Daly street to Pasadena avenue, Pasadena avenue to Avenue Thirty-five, Avenue Thirty-five to Griffin avenue, Griffin avenue and its extension to the north patent boundary line of said city; thence east along said line to the place of beginning.

62d. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach

City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega. Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five, and six, Sawtelle City numbers one, two and three, and Sherman.

63d. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of Washington and Hoover streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Benton boulevard, Benton boulevard to Sixth street, Sixth street to Hoover street, Hoover street to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Sunset boulevard, Sunset boulevard to Alvarado street, Alvarado street to the north patent boundary of said city; thence along the same east to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly, following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct, so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning.

64th. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Hill and Seventh streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Hoover street, Hoover street to Sixth street, Sixth street to Benton boulevard, Benton boulevard to Hoover street, Hoover street to Seventh street, Seventh street to Hill street, the point of beginning.

65th. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of North Broadway and Daly street, in the city of Los Angeles; thence along the center lines of the following named streets, to wit: North Broadway (crossing the official bed of the Los Angeles river) to Bernardo street, Bernardo street to Adobe street, Adobe street to College street, College street to Cleveland street, Cleveland street to Alpine street, Alpine street to Hill street, Hill street to Sunset boulevard, Sunset

boulevard to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Fifth street, Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and its easterly extension to the intersection with the center line of Gless street, Gless street to Fifth street, Fifth street to Pecan street, Pecan street to First street, First street to Pleasant avenue, Pleasant avenue to Brooklyn avenue, Brooklyn avenue to Macy street, Macy street to Gallardo street, Gallardo street to Mission road, Mission road to Daly street, Daly street to North Broadway, the point of beginning.

66th. All that portion of the county of Los Angeles bounded as follows: Commencing at the northeastern corner of the city of Los Angeles, as the same is described in the United States patent; thence westerly along the northern patent boundary line of said city to the center line of Griffin avenue, or the northerly prolongation thereof; thence along the northerly prolongation of said center line and along the center line of the following named streets, to wit: Griffin avenue to Avenue 35, Avenue 35 to Pasadena avenue, Pasadena avenue to Daly street, Daly street to Mission Road, Mission Road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly, along the line of assembly district number sixty-five, as constituted and designated by this section, to the center line of the official bed of the Los Angeles river; thence southerly along said center line and its southerly prolongation to the south boundary of said city; thence east along said boundary line to the southeastern corner of said city; thence north along the east line of said city to the point of beginning.

67th. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, and Altadena.

68th. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three, and four, and all of El Monte precinct except that portion thereof lying north of the westerly prolongation of the south line of Santa Anita precinct and except that portion thereof lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian.

69th. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Monrovia City numbers one,

two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the sixty-ninth assembly district.

70th. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the seventieth assembly district.

71st. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the seventy-first assembly district.

72d. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-

two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct number one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street.

73d. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Main and Washington street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Main street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue, or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles, thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Main street, the point of beginning.

74th. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Fifth and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and the extension thereof along the line of assembly district number sixty-five, as designated and constituted by this section, to the center line of the official bed of the Los Angeles river; thence southerly along the last mentioned line and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along said boundary line to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Hill street, Hill street to Fifth street, the point of beginning.

75th. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Seventh and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Main street, Main street to Washington street, Washington street to Hill street, Hill street to Seventh street, the point of beginning.

79th. All that portion of the county of San Diego included within the corporate limits of the city of San Diego.

80th. All that portion of the county of San Diego not included in the seventy-ninth assembly district.

## CONGRESSIONAL DISTRICTS.

(For Districts not given below, see Map.)

4th. All that portion of the city and county of San Francisco comprising the twenty-eighth, thirty-first, thirtieth, thirty-second, thirty-third and twenty-first assembly districts.

5th. All that portion of the city and county of San Francisco not included in the fourth congressional district.

6th. The county of Alameda shall constitute the sixth congressional district.

9th. All that portion of the county of Los Angeles comprising the sixty-first, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth assembly districts.

10th. All that portion of the county of Los Angeles not included in the ninth congressional district.

## FISH AND GAME DISTRICTS.

(For Districts not given below, see Map.)

4th. The counties of Madera and Tulare, and that part of Stanislaus county east of the west bank of the San Joaquin river; that part of Merced county east of the west bank of the San Joaquin river; that part of Fresno county east of the west bank of San Joaquin river, Fresno slough, Fish slough, Summit lake and Tulare lake; that part of Kings county east of the west bank of Kings river between Summit lake and Tulare lake; that part of Kings county east of the west bank of Tulare lake and east of the west bank of Bull slough; that part of Kern county east of the west bank of Bull slough and west and south bank of Buena Vista lake to the southeast corner of that lake; that part of Kern county on the northerly side of a line from this point to the southeast corner of section 8, township 10 north, range 19 west, San Bernardino base and meridian at a point where the county road cuts said section corner, such a point being on the northern boundary of the rancho Castac; that part of Kern county on the northerly side of a line from this point following the northern boundary of the rancho Castac to where this boundary joins the westerly boundary of the Fort Tejon rancho; that part of Kern county lying northerly and westerly of the west and north boundary of the Fort Tejon rancho to where the main line of the Southern Pacific Railroad intersects said rancho boundary; that part of Kern county on the easterly side of the main line of the Southern Pacific Railroad from this point to where the said railroad crosses the south line of Kern county.

5th. The counties of Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and those parts of Stanislaus, Merced, Fresno, Kings and Kern counties not included in fish and game district number four.

## AGRICULTURAL DISTRICTS.

1. The counties of San Francisco and Alameda.
2. The county of San Joaquin.
3. The county of Butte.
4. The counties of Sonoma and Marin.
5. The counties of San Mateo and Santa Clara.
6. The county of Los Angeles.
7. The county of Monterey.
8. The county of El Dorado.
9. The county of Humboldt.
10. The county of Siskiyou.
11. The counties of Plumas and Sierra.
12. The counties of Lake and Mendocino.
13. The counties of Sutter and Yuba.
14. The county of Santa Cruz.
15. The county of Kern.
16. The county of San Luis Obispo.
17. The county of Nevada.
18. The counties of Mono, Inyo, and Alpine.
19. All that portion of Santa Barbara county lying east of the Gaviota and south of the Santa Ynez mountains.
20. The county of Placer.
21. The counties of Fresno and Madera.
22. The county of San Diego.
23. The county of Contra Costa.
24. The counties of Tulare and Kings.
25. The county of Napa.
26. The county of Amador.
27. The counties of Shasta and Trinity.
28. The counties of San Bernardino and Riverside.
29. The county of Tuolumne.
30. The county of Tehama.
31. The county of Ventura.
32. The county of Orange.
33. The county of San Benito.
34. The county of Modoc.
35. The counties of Merced and Mariposa.
36. The county of Solano.
37. All that portion of Santa Barbara county not included in agricultural district No. 19.
38. The county of Stanislaus.
39. The county of Calaveras.
40. The county of Yolo.
41. The county of Del Norte.
42. The county of Glenn.
43. The county of Lassen.
44. The county of Colusa.
45. The county of Imperial.

## CONSOLIDATED COUNTY TABLE.

	Agricultural Districts.	Fish and Game Districts.	U. S. District Courts.	Supreme Court Districts.	Appellate Districts.	Assembly Districts.	Senatorial Districts.	Con- gressional Districts.	Equal- ization Districts.	Varied Districts.
Alameda .....	1	5	N.	S. F.	1	34-41	13-16	6	2	S. F.
Alpine .....	15	3*	N.	Sacto.	3	16	12	2	2	Sacto.
Amador .....	26	3	N.	Sacto.	3	16	10	2	2	Sacto.
Butte .....	3	3	N.	Sacto.	3	7	6	1	2	Sacto.
Calaveras .....	39	3	N.	Sacto.	3	16	12	2	2	Sacto.
Colusa .....	44	2	N.	Sacto.	3	5	4	1	2	Sacto.
Contra Costa .....	23	5	N.	S. F.	1	18	9	2	2	Napa.
Del Norte .....	41	1	N.	S. F.	3	1	1	1	2	Sacramento.
El Dorado .....	8	3	N.	Sacto.	3	16	3	2	2	Sacto.
Fresno .....	21	4	S.	S. F.	1	50-52	26	7	4	San Joaquin.
Glenn .....	42	2	N.	Sacto.	3	5	4	1	3	Sacto.
Humboldt .....	9	1	N.	S. F.	3	2	1	1	2	Sacramento.
Imperial .....	45	6	S.	L. A.	2	78	39	11	4	Los Angeles.
Inyo .....	18	6	S.	L. A.	2	47	26	11	4	Sacto.
Kern .....	15	4	S.	L. A.	2	56	32	7	4	San Joaquin.
Kings .....	24	4	S.	Sacto.	2	54	32	7	4	San Joaquin.
Lake .....	12	2	N.	S. F.	3	11	4	1	3	Sacramento.
Lassen .....	43	1	N.	Sacto.	3	4	2	2	3	Sacto.
Los Angeles .....	6	6	S.	L. A.	2	61-65	{ 29-31 } { 33-35 }	9-10	4	Los Angeles.
Madera .....	21	4	S.	Sacto.	3	49	12	7	4	Sacramento.
Marin .....	4	2	N.	S. F.	1	17	9	1	3	Sacto.
Mariposa .....	35	3	S.	S. F.	3	47	12	2	4	Sacramento.
Merced .....	12	2	N.	S. F.	3	6	4	1	3	Sacramento.
Mered .....	35	4	S.	Sacto.	3	49	12	7	4	San Joaquin.
Modoc .....	34	1	N.	Sacto.	3	4	2	2	3	Sacto.
Mono .....	18	3	N.	Sacto.	3	47	12	11	4	Sacto.
Monterey .....	7	5	N.	S. F.	1	43	17	8	4	S. F.
Napa .....	25	2	N.	S. F.	3	11	5	3	3	Napa.
Nevada .....	17	3	N.	Sacto.	3	9	3	2	2	Sacto.
Orange .....	32	6	S.	L. A.	2	76	39	11	4	Los Angeles.
Placer .....	20	3	N.	Sacto.	3	9	3	2	2	Sacto.
Plumas .....	11	3	N.	Sacto.	3	4	3	2	3	Sacto.
Riverdale .....	28	6	S.	L. A.	2	77	39	11	4	Los Angeles.
Sacramento .....	40	3	N.	Sacto.	3	14-15	7	3	2	Sacto.
San Benito .....	33	5	N.	S. F.	1	48	11	8	4	S. F.
San Bernardino .....	25	6	S.	L. A.	2	57-58	30	11	4	Los Angeles.
San Diego .....	22	6	S.	L. A.	2	60	40	11	4	Los Angeles.
San Francisco .....	1	5	N.	S. F.	1	21-33	18-24	4-5	1	S. F.
San Joaquin .....	2	4	N.	Sacto.	3	19-20	10	3	2	San Joaquin.
San Luis Obispo .....	16	5	S.	L. A.	2	33	17	8	4	Los Angeles.
San Mateo .....	5	5	N.	S. F.	1	42	11	8	4	S. F.
Santa Barbara .....	19, 27	6	S.	L. A.	2	59	23	8	4	Los Angeles.
Santa Clara .....	5	5	N.	S. F.	1	44-45	27-28	8	4	S. F.
Santa Cruz .....	14	5	N.	S. F.	1	43	11	9	4	S. F.
Shasta .....	27	1	N.	Sacto.	3	3	2	2	3	Sacto.
Sierra .....	11	2	N.	Sacto.	3	4	3	2	3	Sacto.
Siskiyou .....	10	1	N.	Sacto.	3	1	2	2	3	Sacramento.
Solano .....	36	2	N.	Sacto.	3	10	5	3	3	Napa.
Sonoma .....	4	2	N.	S. F.	3	12	3	1	2	Sacramento.
Stanislaus .....	38	4	N.	Sacto.	3	46	12	7	4	San Joaquin.
Sutter .....	13	3	N.	Sacto.	3	8	6	1	3	San Joaquin.
Tehama .....	30	1	N.	Sacto.	3	5	1	2	3	Sacto.
Trinity .....	27	1	N.	Sacto.	3	3	1	2	3	Sacramento.
Tulare .....	24	4	S.	Sacto.	3	55	22	7	4	San Joaquin.
Tuolumne .....	29	3	N.	Sacto.	3	47	12	2	2	Sacto.
Ventura .....	31	6	S.	L. A.	2	60	23	8	4	Los Angeles.
Yolo .....	40	2	N.	Sacto.	3	8	6	3	3	Sacto.
Yuba .....	13	3	N.	Sacto.	3	8	6	1	3	Sacto.



**TIME TABLE.**

**Abandonment of proceedings.** See Eminent Domain.

**Abstract of judgment.** See Lien on Judgment.

**ABSTRACTS OF TITLE.**

**Notice of Intention to Use as Evidence.**

Notice of intention to use an abstract of title to prove the contents of a public record, must be given **AS SOON AS THE ACTION IS SET FOR TRIAL.** C. C. P. 1855a.

**ACCOUNT.**

**Delivery of Copy.**

A party alleging an account must deliver a copy to the adverse party **within FIVE DAYS** after demand therefor in writing. C. C. P. 454.

**Account.** See Statute of Limitations.

**ACCOUNTING (BY SURVIVING PARTNER).**

**Attachment to Compel.**

Where a surviving partner refuses to render an account, it may be compelled by attachment **AFTER NOTICE.** C. C. P. 1585.

**Accounting, appeal from.** See Appeal from Superior Court.

**Accounting by assignee.** See Assessment for Benefit of Creditors.

**Accounting by trustees.** See Trustees.

**Accounting for rents.** See Redemption.

**Accounting, interlocutory judgment ordering.** See Appeal from Superior Court.

**Account of guardian.** See Guardian's Account.

**ACCOUNTS—PROBATE.**

**Revocation of Letters for Neglect to Account.**

Where executor or administrator has been committed for failure to render account, and neglects to render such account **within THIRTY DAYS** after commitment, his letters must be revoked. C. C. P. 1630.

**Notice of Settlement of Account Other Than Final.**

Settlement of account, other than final, must be **UPON SUCH NOTICE AS MAY BE FIXED BY THE CLERK.** C. C. P. 1633.

**Notice of Settlement of Final Account.**

Settlement of final account must be upon notice by posting, or publication

for at least **TEN DAYS** and prior to the day of settlement. C. C. P. 1634.

**Attachment for Failure to File.**

Attachment of executor or administrator for failure to render account must not be issued until

**AFTER CITATION** has been first issued, served and returned. C. C. P. 1628.

**Revocation of Letters for Failure to Account.**

Where executor or administrator resides out of the county, absconds or conceals himself, his letters may be revoked for neglect to render account

within **THIRTY DAYS** after the time prescribed by law. C. C. P. 1630.

**Rendition.**

Account of executor or administrator must be rendered

within **THIRTY DAYS** after the expiration of the time for presentation of claims. C. C. P. 1628.

**Deceased Executor or Administrator's Account.**

Where executor or administrator dies, his accounts are presented by his representative and settled

as in other cases. C. C. P. 1639. See above.

**Accusation against attorney. See Attorneys at Law.**

**ACCUSATION AGAINST OFFICER.****Notice to Appear.**

Notice to appear and answer accusation by the grand jury against a public officer must be

not less than **TEN DAYS**. P. C. 760.

**Suspension When Effective.**

The defendant is suspended from office after

**THIRTY DAYS** from the entry of judgment of removal, unless certificate of probable cause is filed. P. C. 770.

**Accusation against officer. See Appearance.**

**ACKNOWLEDGMENTS.****Certified Copies of Validated Instruments.**

Certified copies of the records of defective instruments validated under section 1207 may be read in evidence, if it be shown that the original instrument was genuine where the copying in the proper book of record occurred

within **FIFTEEN YEARS** prior to the trial of the action. C. C. 1207.

**Validating Defective.**

Instruments defectively executed or acknowledged, copied into the proper book of record, are notice to subsequent purchasers or encumbrancers

if copied prior to **January 1st, 1913.**  
C. C. 1207.

**ACQUITTAL.****Discharge of Defendant.**

If a judgment is given on a general verdict, and the defendant is not detained for other legal cause, he must be discharged

as soon as the judgment is given, unless the acquittal is because of a variance between the pleading and proof, which may be obviated by a new indictment or information. P. C. 1165.

**Discharge of Defendant.**

When defendant is acquitted he must be discharged

immediately. P. C. 1447.

**Actions against officers, attachment in.** See Attachment.

**Actions against vessels.** See Execution Sales.

**Actions by state.** See Statute of Limitations.

**ACTION TO DETERMINE ADVERSE CLAIMS.****Possession.**

An action to quiet title and determine adverse claim may be brought by a person who by himself or his predecessor in interest has been in adverse possession of such property adversely

for **TWENTY YEARS** prior to the filing of the complaint, and who has paid all taxes for **FIVE YEARS** continuously next preceding the filing of the complaint. C. C. P. 749.

**Lis Pendens.**

Lis pendens in an action to determine an adverse claim to real property must be filed

within **TEN DAYS** after the filing of the complaint. C. C. P. 749.

**Issuance of Summons.**

**Summons must issue** in actions to determine adverse claims to real property

within **ONE YEAR** after the filing of the complaint. C. C. P. 750.

**Mailing Summons.**

**Mailing a copy of summons** and complaint to nonresident defendants must be done

within **TEN DAYS** after the making of the order of publication of summons. C. C. P. 750.

**Conclusiveness of Judgment.**

**Judgments in actions to determine adverse claims** against real property are not conclusive against any person whose claim has arisen

within **TWENTY YEARS** prior to the filing of the complaint. C. C. P. 750.

**Action to determine an adverse claim. See Summons.**

**Action to redeem from mortgage, interlocutory judgment in, appeal from. See Appeal from Superior Court.**

**Action to set aside fraudulent conveyance. See Fraudulent Conveyances.**

## ADJOURNMENT.

### Of Legislature.

Neither house shall, without the consent of the other, adjourn for more than

**THREE DAYS**, nor to any place other than that in which they may be sitting. Const., art. 4, sec. 14.

**Adjournment. See Postponement.**

**Adjustment of indebtedness. See Municipal Corporations.**

**Administrator. See Executors.**

**Administrator. See Inventory.**

**Administrator. See Revocation of Letters.**

**Administrator of nonresident, distribution to. See Distribution.**

## ADMINISTRATORS.

### Petition for Letters—Notice of Hearing.

Notice of hearing petition for letters of administration must be posted

at least **TEN DAYS** before the hearing. C. C. P. 1373.

### Request for Notice.

Request for special notice may be filed

**AT ANY TIME** after issuance of letters. C. C. P. 1380.

**Administrators, actions by. See Statute of Limitations.**

**Administrators, fees of. See Executors' Fees.**

## ADMISSION OF ATTORNEYS.

### Re-examination.

No person rejected for examination by the district court of appeal shall be at liberty to renew his application in any court earlier than

**SIX MONTHS** after such rejection. Rule I.

**Admission to bail. See Bail.**

**Adoption of by-laws. See By-laws.**

**Adultery, divorce for. See Statute of Limitations.**

**Adverse claims. See Action to Determine Adverse Claims.**

**Adverse claims. See Summons.**

**ADVERSE POSSESSION.****Possession—Seisin.**

In actions for recovery of real property, or possession thereof, it must appear that plaintiff, his ancestor, predecessor or grantor, was seised or possessed of the property in question

within **FIVE YEARS** before the commencement of the action. C. C. P. 318.

**Possession—Seisin.**

No cause of action, or defense to an action, arising out of the title to real property, can be effectual, unless it appear that the person prosecuting the action, or making the defense, or under whose title the action is prosecuted or defense is made, or the ancestor, predecessor or grantor of such person,

was seised or possessed of the premises in question within **FIVE YEARS** before the commencement of the act in respect to which such action is prosecuted or defense made. C. C. P. 319.

**Entry.**

Entry upon real estate is not valid as a claim, unless action be commenced

within **ONE YEAR** after making such entry, and within **FIVE YEARS** from the time when the right to make such entry descended or accrued. C. C. P. 320.

**Possession—Presumption.**

In every action for the recovery of real property, or possession thereof, the person establishing a legal title to the property is **presumed** to have been **possessed** thereof within the time required by law, unless it appear that the property has been held and possessed **adversely** to such legal title

for **FIVE YEARS** before the commencement of the action. C. C. P. 321.

**Occupancy.**

Occupation of real property by other than the holder of the legal title is deemed to have been under and in **subordination** to the legal title, unless it appear that the property has been held and possessed **adversely** to such legal title

for **FIVE YEARS** before the commencement of the action. C. C. P. 321.

**Occupancy.**

Occupancy under a written instrument or decree of court, and possession of the property included therein, or some part thereof,

for **FIVE YEARS**, is deemed **adverse possession** of property so included, unless the property consists of a tract divided into lots. C. C. P. 322.

**Occupancy—Payment of Taxes.**

**Adverse possession** cannot be established, unless it be shown that the land has been occupied and claimed, and all taxes, state, county or municipal, which have been levied and assessed upon said land, paid

for the period of **FIVE YEARS** continuously. C. C. P. 325.

**Possession of Tenant.**

**Possession of tenant** is presumed to be the possession of the landlord,

until **FIVE YEARS** from the termination of the tenancy, or where there has been no written lease, from the time of the last payment of rent. C. C. P. 326.

**Affidavit of title.** See **McEnerney Actions.**

**Affidavit on taking deposition.** See **Deposition.**

**Affidavit where defense founded on written instrument.** See **Genuineness and Due Execution.**

**Agent, designation of.** See **Foreign Corporations.**

**Agent of nonresident distributee or devisee.** See **Unclaimed Property.**

**Agricultural lands.** See **Unlawful Detainer.**

**ALIAS SUMMONS.****Issuance.**

**Alias summons** must issue

within **ONE YEAR** from the date of filing complaint. C. C. P. 408.

**Justice's Court—Return.**

The time specified for appearance of the defendant in alias summons must not

exceed **NINETY DAYS** from its date. C. C. P. 846.

**Justice's Court—Issuance.**

**Alias summons** may issue at any time after return of prior summons

within **ONE YEAR** from the filing of the complaint. C. C. P. 847.

**ALIEN.****Claim of Succession.**

Where nonresident alien takes by succession, he must appear and claim the property

within **FIVE YEARS** from the time of succession. C. C. 672.

**Succession by.**

No nonresident foreigner can take by succession, unless he appears and claims the same

within **FIVE YEARS** after the death of the decedent. C. C. 1404, 1405.

**Alternative method.** See Appeal from Superior Court.

**Alternative writ.** See Mandamus.

**Amended complaint, answer to.** See Answer.

**Amended pleading, pleading to.** See Pleading.

**Amended statement on appeal.** See Appeal from Superior Court.

### **AMENDMENT.**

#### **To Pleading, as of Course.**

Any pleading may be amended once at any time **BEFORE ANSWER OR DEMURRER FILED.** C. C. P. 472.  
by the party, of course, and without costs

#### **After Demurrer Sustained.**

When demurrer to any pleading is sustained, the time to amend is **TEN DAYS** after notice of the order sustaining demurrer. C. C. P. 476.

#### **After Demurrer Sustained—When Time Runs.**

Where the demurrer to any pleading is sustained, and time to amend is given, the time so given runs from **SERVICE OF NOTICE** of the order sustaining demurrer. C. C. P. 476.

#### **Justice's Court—Pleadings.**

Either party may amend any pleading at **ANY TIME** before **CONCLUSION OF THE TRIAL.** C. C. P. 859.

#### **Justice's Court—Of Answer After Demurrer Sustained.**

If demurrer to an answer is sustained, not exceeding **TWO DAYS.** C. C. P. 858, subd. 3.  
the defendant may amend within such time as the court may allow,

#### **Justice's Court—Of Complaint After Demurrer Sustained.**

Where demurrer is sustained, plaintiff not exceeding **TWO DAYS.** C. C. P. 858, subd. 1.  
may amend, within such time as the court allows,

#### **Of Contest to Probate, After Demurrer Sustained.**

If a demurrer to a contest is sustained, the court must allow the contestant a reasonable time to amend not exceeding **TEN DAYS.** C. C. P. 1312.

**Amendment of articles of incorporation.** See Articles of Incorporation.

**Amendment to bill of exceptions in criminal cases.** See Appeal from Superior Court in Criminal Cases.

**Amendment to statement on appeal.** See Appeal from Superior Court.

**Amendments to statement on appeal on questions of law.** See Appeal to Superior Court.

**Ancient writings.** See **Handwriting.**

**Animal, lien on.** See **Liens on Animals.**

**Annual labor.** See **Mining.**

**Annulling election.** See **Judgment.**

**Annulment.** See **Statute of Limitations.**

## **ANSWER.**

### **After Demurrer Overruled—When Time Runs.**

Where a demurrer is overruled, the time to answer runs from the **SERVICE of NOTICE of overruling demurrer.** C. C. P. 476.

### **Answer to Amended Complaint.**

Answer to amended complaint must be made within **TEN DAYS** after service of summons, or of the complaint as amended as the case may be. C. C. P. 432.

### **In Unlawful Detainer.**

Defendant may answer on or before the day fixed for his appearance. C. C. P. 1170.

### **Justice's Court—After Demurrer Overruled.**

If demurrer to the complaint is overruled, the defendant may answer **FORTHWITH.** C. C. P. 858, subd. 2.

### **In Civil Actions in Police Court.**

In actions in Police Courts the defendant may answer **ON THE RETURN of the summons.** C. C. P. 931.

### **After Arraignment.**

Upon arraignment the defendant must be allowed a reasonable time to answer the indictment or information not less than **ONE DAY.** P. C. 990.

### **After Motion to Set Aside Indictment or Information.**

Where motion to set aside the indictment or information is denied, defendant must answer **IMMEDIATELY.** P. C. 997.

**Answer.** See **Appearance.**

**Answer.** See **Pleading.**

**Answer in certiorari.** See **Certiorari.**

**Answer in procedendo.** See **Procedendo.**

**Answer in prohibition.** See **Prohibition.**

**Answer in Supreme Court.** See **Mandamus.**

**Answer to accusation.** See **Attorneys at Law.**

**Answer to application for writ of mandamus.** See **Mandamus.**

**Answer to complaint in intervention.** See **Intervention.**



Answer to cross-complaint. See Cross-complaint.  
Answer to impeachment. See Impeachment.  
Answer to petition for rehearing. See Appeal from Superior Court.  
Appeal, appeals from. See Appeal to Superior Court.  
Appeal, cost bill on. See Costs.  
Appeal from inferior court. See Appeal from Superior Court.  
Appeal from judgment rendered on appeal from inferior court. See Appeal from Superior Court.  
Appeal from Justice's Court. See Appeal to Superior Court.  
Appeal from Police Court. See Appeal to Superior Court.

### **APPEAL (FROM SUPERIOR COURT).**

#### **From Final Judgment.**

An appeal from a final judgment of Superior Court, rendered in an action commenced in the Superior Court, may be taken within **SIX MONTHS** after the entry of judgment. C. C. P. 939, subd. 1.

#### **Insufficiency of Evidence Reviewable When.**

An exception to the decision or verdict on the ground that it is not supported by the evidence cannot be reviewed on an appeal from the judgment of a Superior Court, unless the appeal is taken within **SIXTY DAYS** after the entry of the judgment. C. C. P. 939, subd. 1.

#### **From Judgment Rendered on Appeal from Inferior Court.**

An appeal from a judgment of the Superior Court, rendered on appeal from an inferior court, must be taken within **NINETY DAYS** after the entry of such judgment. C. C. P. 939, subd. 2.

#### **From Orders and Interlocutory Judgments.**

An appeal from an order granting or refusing a new trial; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order appointing a receiver; from an order dissolving or refusing to dissolve an attachment; from an order granting or refusing to grant a change of the place of trial; from any special order made after final judgment; from an interlocutory judgment, order, or decree hereafter made or entered in any action for divorce or to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to

redeem and ordering an accounting; from an interlocutory judgment in actions for partition of real property; and from an order confirming, changing, modifying, or setting aside the report, in whole or in part, of the referees in actions for partition of real property in the cases mentioned in section seven hundred and sixty-three of the Code of Civil Procedure

must be taken within **SIXTY DAYS** after the order or interlocutory judgment is made and entered in the minutes of the court, or filed with the clerk. C. C. P. 939, subd. 3.

#### **From Interlocutory Judgment in Divorce.**

Appeal from an interlocutory judgment may be taken within

**SIX MONTHS** after its entry, in the same manner and with like effect as if the judgment were final. C. C. 131.

#### **In Election Contests.**

Appeal from the judgment in a contested election case, must be taken

within **THIRTY DAYS** after notice of entry. C. C. P. 1126.

#### **In Probate.**

Appeals in probate may be taken after an order, decree or judgment is made or rendered

but not less than **SIXTY DAYS** after the same is entered on the minute-book of the court. C. C. P. 1725.

#### **From Proceedings to Determine Heirship.**

**APPEALS** from proceedings to determine heirship must be taken

within **SIXTY DAYS** from the entry of the judgment or the order complained of. C. C. P. 1664.

#### **Filing Undertaking.**

Undertaking on appeal from the Superior Court must be filed

within **FIVE DAYS** after service of the notice of appeal. C. C. P. 940.

#### **Effect on Attachment.**

An appeal does not continue in force an attachment, unless perfected

within **FIVE DAYS** after the entry of the order appealed from. C. C. P. 946.

#### **Undertaking—Exception to Sureties.**

Exception to the sufficiency of the sureties on an undertaking on appeal may be made at any time

within **THIRTY DAYS** after notice of the filing of the undertaking. C. C. P. 948.

#### **Undertaking—Justification of Sureties.**

Sureties on undertaking on appeal must justify

within **TWENTY DAYS** after notice of exception, and upon **FIVE DAYS** notice. C. C. P. 948.

#### **Service of Statement on Appeal Where Motion for New Trial was on Minutes.**

Where motion for a new trial is based upon the minutes of the court, proposed statement upon appeal must be served

within **TEN DAYS** after entry of the order granting or denying the new trial. C. C. P. 661.

**Proposed Amendments to Proposed Statement on Appeal from Motion for New Trial on Minutes.**

**Proposed amendments to proposed statement on appeal must be served** within **TEN DAYS** after service of the proposed statement. C. C. P. 661.

**Presentation Where Amendments are Accepted.**

**If proposed amendments are accepted, statement must be amended accordingly, and, may be presented to the judge** **WITHOUT NOTICE.** C. C. P. 661, 659, 660.

**Presentation Where Amendments are Rejected.**

**If proposed amendments are rejected, proposed statement and amendments must be presented to the judge** within **TEN DAYS** after service of the proposed amendments, upon **FIVE DAYS'** notice, or they may be delivered to the clerk without notice. C. C. P. 661, 659, 650.

**Proposed Amendments on Appeal from Order on Motion to Vacate and Enter Different Judgment.**

**Proposed amendments to proposed statement on appeal from order granting or denying motion to vacate a judgment and enter a different judgment, must be served** within **TEN DAYS** after service of proposed statement. C. C. P. 663a, 661, 659 and 650.

**Presentation of Amended Statement on Appeal.**

**If proposed amendments are accepted, amended statement on appeal may be presented to the judge or delivered to the clerk for the judge,** without **NOTICE.** C. C. P. 663a, 661, 659, 650.

**Presentation of Statement Where Amendments Rejected.**

**Where proposed amendments are rejected, proposed statement and proposed amendments must be presented to the judge** within **TEN DAYS** after service of proposed amendments and upon **FIVE DAYS'** notice, or delivered to the clerk for the judge, without **NOTICE.** C. C. P. 663a, 661, 659, 650.

**Engrossment of Statement on Appeal.**

**After settlement of statement on appeal, same must be engrossed** within **TEN DAYS.** C. C. P. 663a, 661, 659, 660.

**From Order on Motion to Enter Different Judgment, Service of Proposed Statement.**

**Proposed statement on appeal from order granting or denying a motion to vacate judgment and enter a different judgment must be served** within **TEN DAYS** after entry of the order. C. C. P. 663a, 661.

**Alternative Method—Notice of Appeal.**

Notice of appeal by the alternative method must be filed

within **SIXTY DAYS** after notice of entry of the judgment, order or decree has been served, but in any event not later than **SIX MONTHS** after the entry of the judgment, order or decree. C. C. P. 941b.

**Request for Transcript.**

Notice to county clerk that party desires or intends to appeal and requesting transcript must be filed

within **TEN DAYS** after notice of the entry of the judgment, order or decree appealed from. C. C. P. 953a.

**Transcript.**

The reporter must prepare the transcript of the trial and file the same with the clerk

within **TWENTY DAYS** after notice of appeal has been filed. C. C. P. 953a.

**Notice of Filing Transcript.**

The clerk must give notice that the transcript has been filed and will be presented to the judge for approval

within **FIVE DAYS** after receipt of said notice. C. C. P. 953a.

**Transcript—Certification by Attorney.**

The attorney to whom the transcript on appeal is presented must join in the certificate, if the transcript is correct, within

**FIVE DAYS.** Rule XI.

**Transcript—Correction and Certification of.**

The attorney to whom a transcript is presented must, if the transcript is incorrect, serve upon the adverse party a written statement of the particulars in which the transcript is incorrect, within

**FIVE DAYS**, and must join in the certificate within **TWO DAYS** after the corrected transcript is presented to him. Rule XI.

**Transcript.**

The appellant in a civil action must serve and file the transcript of the record, duly certified, within

**FORTY DAYS** after an appeal is perfected. Rule II.

**Appellant's Points and Authorities.**

The appellant shall file with the clerk his printed points and authorities, with proof of service of one copy upon the attorney or attorneys of each respondent,

**THIRTY DAYS** after the filing of the transcript. Rule II, subd. 4.

**Respondent's Points and Authorities.**

The respondent shall serve and file his printed points and authorities within

**THIRTY DAYS** after the service of appellant's points and authorities. Rule II, subd. 4.

**Appellant's Points and Authorities in Reply.**

After the service of respondent's points the appellant may serve and file a reply within

**TEN DAYS.** Rule II, subd. 4.

**Judgment by Department, When Final.**

No judgment by a department shall become final until the expiration of

**THIRTY DAYS** after such judgment, unless approved by the chief justice, in writing, and with the concurrence of two associate justices. Const., art. 6, sec. 2.

**Order for Hearing in Bank.**

Where a case has been allotted to one of the departments, and a judgment pronounced thereon, the order directing the cause pending before the court to be heard and decided in bank must be made within

**THIRTY DAYS** after such judgment and concurred in by two associate justices. Const., art. 6, sec. 2.

**Application for Rehearing.**

Application for rehearing before the court rendering the judgment (whether the Supreme or District Court) must be filed

within **TWENTY DAYS** after the judgment is pronounced. Rule XXX, subd. 1.

**Answer to Petition for Rehearing.**

The adverse party may file an answer thereto not less than

**TWO DAYS** before the time for making such order for hearing in the Supreme Court will expire. Rule XXX, subd. 3.

**Filing Time not Extended.**

The time prescribed shall not be extended, and the clerk must not file any such application or answer

**AFTER THE TIME** therefor has expired. Rule XXX, subd. 4.

**Order That Cause be Heard by Supreme Court.**

The Supreme Court may order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court, which order may be made

**BEFORE JUDGMENT** has been pronounced by a District Court of Appeal, or within **THIRTY DAYS** after such judgment shall have become final. Const., art. 6, sec. 4.

**Judgment of District Court of Appeals, When Final.**

Judgments of the District Court of Appeal shall become final therein upon the expiration of

**THIRTY DAYS** after the same shall have been pronounced. Const., art. 6, sec. 4.

**Copy of Opinion of District Court of Appeal.**

The clerk of the District Court of Appeal shall forthwith send to the Secretary of the Supreme Court, a copy of the opinion of the District Court of Appeal upon which such final judgment was given, at the expiration of

**THIRTY DAYS**, if no order for hearing has been made by the Supreme Court. Rule XXXIV, subd. 2.

**Remittitur from District Court.**

When a judgment of a District Court of Appeal becomes final therein the *remittitur* shall not be issued until after the lapse of

**THIRTY DAYS**. Rule XXXIV, subd. 1.

**Application for Hearing in Supreme Court.**

Applications after a judgment of a District Court of Appeal has become final, for an order that the cause be heard and determined by the Supreme Court, must be accompanied by a copy of the opinion of the District Court of Appeal, showing the date of the filing thereof, and must be filed and a copy served on the adverse party, within

**TEN DAYS** after the judgment of the District Court of Appeal has become final therein. Rule XXX, subd. 3.

**APPEAL FROM SUPERIOR COURT (IN CRIMINAL CASES).****When Taken.**

Appeal must be taken at the time the

judgment or order appealed from is made. P. C. 1239, 1240.

**Transmission of Record.**

The clerk of the court must transmit the record to the clerk of the Appellate Court, and deliver copies thereof to the district attorney and the defendant, or his attorney,

within **TWENTY DAYS** after the appeal is taken. P. C. 1246.

**Designation of Notes to be Transcribed.**

On appeal to the Supreme Court or District Court of Appeal, the defendant or district attorney must designate what portion of the reporter's notes shall be transcribed

within **TWO DAYS** after the appeal is taken. P. C. 1247.

**Criminal Cases, Transcription on Death or Illness of Reporter.**

In case of the death or illness of the reporter, the original transcription must be

prepared by the appellant. P. C. 1247b.

**Direction to Reporter to Transcribe.**

The court must direct the reporter to transcribe such portion of his notes as the court may direct,

within **ONE DAY** after filing the application; if the court fails to make the order within **ONE DAY**, the order is deemed made for the portion of the notes requested in the application. P. C. 1247.

**Filing Transcription of Reporter's Notes.**

The reporter must file with the clerk an original transcript and three carbon copies

within **TWENTY DAYS** after the making of the application. P. C. 1247.

**Delivery of Copies of Transcribed Notes.**

Upon filing of the transcribed notes by the reporter, the clerk must

immediately deliver one carbon copy to the defendant, one to the district attorney and the original to the court. P. C. 1247a.

**Proposed Correction of Transcript.**

Proposed correction of the transcript must be filed

within **TEN DAYS** after the filing of transcribed proceedings. P. C. 1247a.

**Objections to Transcript.**

The court must hear and determine the objections to the transcript

immediately, and upon determination and correction, if necessary, must certify the transcript and immediately re-deliver to the clerk. P. C. 1247a.

**Certification and Delivery of Corrected Transcript.**

When the original transcript has been received by the clerk from the judge, he must transmit it to the court from which the appeal was taken

immediately, and immediately transmit to the attorney general a carbon copy with all corrections thereon. P. C. 1247a.

**Further Transcription.**

The appellate court may order further transcription of the proceedings

within the time fixed in its order. P. C. 1247c.

**Extension of Time for Filing Transcript.**

Time for filing transcript cannot be extended by the lower court, but may be extended by the appellate court not exceeding

**SIXTY DAYS.** P. C. 1247d.

**Dismissal for Irregularity.**

Appeal may be dismissed for irregularity

upon **FIVE DAYS'** notice. P. C. 1248.

**Hearing.**

Appeal must be heard and determined by the appellate court

within **SIXTY DAYS** after the record is filed in the appellate court, unless the defendant consents to continue it. P. C. 1252.

**Bill of Exceptions, Presentation to Judge.**

In criminal cases the adverse party may present to the judge a bill of exceptions, where no statutory method is prescribed within

**THIRTY DAYS** after the ruling. Rule XXXVI, subd. 1.

**Service of Amendments to Bill of Exceptions.**

In criminal cases amendments to bill of exceptions may be served within

**TEN DAYS** after the service of the proposed bill. Rule XXXVI, subd. 1.

**Settlement of Bill of Exceptions.**

In criminal cases the bill of exceptions must be settled by the judge, upon

**THREE DAYS'** notice to the parties, and within **SIXTY DAYS** after the ruling complained of. Rule XXXVI, subd. 1.

**Points and Authorities.**

In criminal cases the appellant shall file his points and authorities (with proof of service of a copy thereof on the Attorney General) within

**TEN DAYS** after the filing of the transcript. Rule II, subd. 4.

**Points and Authorities in Reply.**

The Attorney General shall serve and file his points and authorities within

**TEN DAYS** after service upon him of the appellant's points. Rule II, subd. 4.

**Appellant's Reply Brief.**

The appellant may serve and file a reply within

**FIVE DAYS** thereafter. Rule II, subd. 4.

**Appeal in criminal cases in justice's court. See Appeal to Superior Court—Criminal Cases.**

**Appeal in criminal cases in police court. See Appeal to Superior Court—Criminal Cases.**

**Appeals in probate. See Appeal from Superior Court.**

**APPEAL (TO SUPERIOR COURT).****Notice of Appeal.**

Notice of appeal from a Justice or Police Court to the Superior Court must be filed and served

within **THIRTY DAYS** after the rendition of the judgment. C. C. P. 974.



**Statement on Appeal on Questions of Law.**

On appeals of questions of law alone, the statement must be filed within **TEN DAYS** from the rendition of judgment. C. C. P. 975.

**Amendments to Statement on Appeal.**

The adverse party may file amendments to the statement on appeal within **TEN DAYS** after notice that the statement is filed. C. C. P. 975.

**When Taken.**

An appeal to the Superior Court must be taken within **FIFTEEN DAYS** after the judgment is rendered, or within **TEN DAYS** after the order is made from which the appeal is taken. P. C. 1467.

**Statement on Appeal.**

Statement on appeal must be filed and settled within **TEN DAYS** after filing notice of appeal. P. C. 1468.

**Transmission of Record.**

The justice or judge must transmit the record to the clerk of the Superior Court within **FIVE DAYS** after the receipt of the notice of appeal and filing of the undertaking, and after settlement of statement. C. C. P. 977.

**Filing Undertaking.**

Undertaking on appeal must be filed within **FIVE DAYS** after filing of the notice of appeal. C. C. P. 978a.

**Exception to Sureties.**

Exception to the sufficiency of the sureties on undertaking on appeal must be taken within **FIVE DAYS** after the filing of the undertaking. C. C. P. 978a.

**Justification.**

Sureties on an undertaking on appeal must justify within **FIVE DAYS** after notice of exception upon notice. C. C. P. 978a.

**APPEARANCE.****After Service of Summons.**

In an action in the Superior Court the defendant must appear and answer the complaint within **TEN DAYS** if the summons is served within the county in which the action is brought; within **THIRTY DAYS** if served elsewhere. C. C. P. 407.

**Of Officer Cited for Taking Illegal Fees.**

A citation against an officer for collecting legal fees, or neglecting to perform official duties, must require his appearance not more than **TEN**, nor less than **FIVE**, **DAYS** from the presentation of the accusation, and must be heard within **TWENTY DAYS** from the presentation of the accusation. P. C. 772.

**Justice's Court—Where Arrest Ordered.**

If an order of arrest is indorsed upon the summons, the time for appearance must be **FORTHWITH**. C. C. P. 845, subd. 1.

**Justice's Court—Where No Order for Arrest.**

When an order of arrest is indorsed on the summons, the time specified for appearance, must be **FIVE DAYS** if served within the city and county, township or city; **TEN DAYS** if served out of the township or city, but within the county, and **TWENTY DAYS** if served elsewhere. C. C. P. 845, subd. 2.

**Appearance.** See Demurrer; Answer.

**Appearance.** See Summons.

**Appearance of corporation in criminal cases.** See Summons.

**Appearance on service of summons on cross-complaint.** See Cross-complaint.

**Application for counsel fees.** See Counsel Fees.

**Application for hearing in supreme court.** See Appeal from Superior Court.

**Application for letters of guardianship.** See Guardianship.

**Application for partial distribution.** See Partial Distribution.

**Application for writ of habeas corpus.** See Habeas Corpus.

**Application to discharge attachment.** See Attachment.

**Application to reduce bail.** See Arrest and Bail.

**Application to sell homestead.** See Homestead.

**Appointment of commissioner.** See Foreclosure (of Mortgages).

**Appraisement of lost property.** See Lost Property.

**Appraisers on execution against homestead.** See Execution.

**Appraisers, report of.** See Probate Homestead.

**APPRENTICES.****Citation to Apprentices for Misbehavior.**

An apprentice who is guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, may be cited to appear and answer the complaint of the master, within **TEN DAYS** after the service thereof. C. C. 274.

**Apprentices.** See Statute of Limitations.

**APPROPRIATION.****For Electrical Purposes.**

No water for the generation of electricity, or electrical or other power may be appropriated for a longer period

than **TWENTY-FIVE YEARS**, except by a municipal corporation, other than an irrigation district, or a lighting dis-

trict, or by an irrigation district when such electricity, electrical or other power is for distribution only in its own limits. C. C. 1410.

#### **Commencement of Construction.**

Appropriator of water must commence construction

within **SIXTY DAYS** after the notice is posted. C. C. 1416.

#### **Notice of Appropriation.**

Notice of appropriation must be recorded

within **TEN DAYS** after it is posted. C. C. 1415.

#### **Commencement of Construction on Public Reservation.**

Where place of diversion is within a public reservation, claimant has

**SIXTY DAYS** after grant of authority in which to commence construction, provided that within **SIXTY DAYS** after posting notice he commences and prosecutes application for permit. C. C. 1422.

### **ARBITRATION.**

#### **Petition for Entry of Judgment.**

Application for the entry of judgment on award must be made

after the expiration of **FIVE DAYS** from the entry of the award, and upon at least **FOUR DAYS'** notice to the adverse party. C. C. P. 1286.

**Argument. See Calendar.**

**Argument. See Mandamus.**

**Arraignment. See Answer.**

### **ARREST.**

#### **Taking Defendant Before Magistrate.**

Defendant when arrested must be taken before a magistrate

without unnecessary delay. P. C. 825-849.

**Arrest. See Sentence.**

### **ARREST AND BAIL.**

#### **Order of Arrest.**

Order for arrest may be made

at time of **ISSUING SUMMONS**, or any time after, before judgment. C. C. P. 482.

#### **Discharge on Giving Bail or Deposit.**

The defendant must be discharged from arrest upon giving bail or deposit

at any time **BEFORE EXECUTION**. C. C. P. 486.

**When Bail Finally Charged on Undertaking.**

If defendant is not rearrested or surrendered ten days after judgment, the bail are finally charged on their undertaking and bound to pay the amount of the judgment

within **TEN DAYS** thereafter. C. C. P. 489, 490.

**Filing Papers.**

The sheriff must file the order of arrest, and a copy of the undertaking in the office of the clerk of the court in which the action is pending,

within the **TIME LIMITED** for that purpose in the order for arrest. C. C. P. 492, 483.

**Filing Undertaking.**

If plaintiff does not serve notice that he does not accept the bail, the sheriff must file the original undertaking with the clerk of the court

after **TEN DAYS** from the filing of the order of arrest. C. C. P. 492.

**Notice to Justify.**

On receipt of notice that the plaintiff does not accept the bail, the sheriff may give to the plaintiff or his attorney notice of the justification of the bail

within **FIVE DAYS** after the receipt of the notice. C. C. P. 493.

**Notice of Justification.**

The time specified in the sheriff's notice for the justification of the bail must not be

less than **FIVE** nor more than **TEN DAYS** thereafter. C. C. P. 493.

**Deposit in Lieu of Bail.**

The defendant may instead of giving bail deposit with the sheriff the amount mentioned in the order of arrest

**AT THE TIME** of his arrest. C. C. P. 497.

**Surrender of Defendant by Bail.**

The bail may surrender the defendant in their exoneration

at any time **BEFORE JUDGMENT** or **TEN DAYS** thereafter. C. C. P. 488.

**Notice of Nonacceptance of Bail.**

The plaintiff may serve notice upon the sheriff that he does not accept the bail

within **TEN DAYS** after the filing of the order of arrest. C. C. P. 492.

**Payment into Court.**

The sheriff must pay the deposit into court

**IMMEDIATELY AFTER** the deposit. C. C. P. 498.

**Substitution of Bail for Deposit.**

The defendant may substitute bail for his deposit

**AT ANY TIME** before judgment. C. C. P. 499.

**Justification of Substituted Bail.**

Bail substituted for deposit must **UPON NOTICE.** C. C. P. 499.  
justify

**Liability of Sheriff for Escape, How Discharged.**

Where defendant escapes, or is rescued, the sheriff may discharge himself from liability by giving bail **AT ANY TIME** before judgment. C. C. P. 501.

**Motion to Vacate Order of Arrest.**

Motion to vacate order of arrest may be made at any time **BEFORE TRIAL**, or if there be no trial, **BEFORE the ENTRY OF JUDGMENT** upon reasonable notice. C. C. P. 503.

**Application to Reduce Bail.**

Application to reduce bail may be made at any time **BEFORE TRIAL**, or if there be no trial, before **ENTRY OF JUDGMENT** upon reasonable notice. C. C. P. 503.

**Plaintiff to Advance Funds for Support of Prisoner.**

Whenever a person is committed to jail on an execution issued in a civil action, the creditor must advance sufficient money for the support of the prisoner at the commencement of **EACH WEEK.** C. C. P. 1154.

**Justice's Court—Arrest Where Order on Summons.**

Where an order to arrest is indorsed on the summons, the defendant may be arrested **AT THE TIME of SERVING THE SUMMONS.** C. C. P. 861.

**Justice's Court—Taking Before Justice.**

The defendant arrested must be taken **IMMEDIATELY.** C. C. P. 863.  
before the justice

**Justice's Court—Notice of Arrest to Plaintiff.**

The officer making the arrest must give notice thereof to the plaintiff, or his attorney **IMMEDIATELY.** C. C. P. 864.

**Justice's Court—Custody of Defendant.**

The officer making the arrest must keep the defendant in custody **UNTIL HE IS DISCHARGED BY ORDER OF THE JUSTICE.** C. C. P. 865.

**Arrest and bail. See Appearance.**

**Arrest and bail. See Discharge from Arrest in Civil Proceedings.**

**Arrest, commitment to await. See Fugitive from Justice.**

**Arrest in quo warranto. See Quo Warranto.**

**ARREST OF JUDGMENT.****Motion in Arrest.**

Motion in arrest of judgment must be made and determined before judgment is pronounced. P. C. 1185.

**Articles of impeachment.** See **Impeachment.**

**ARTICLES OF INCORPORATION.****Filing Certified Copy.**

No corporation hereafter formed must purchase, locate, or hold property, in any county in this state, other than the county in which its original articles of incorporation are filed, without filing a copy of the copy of its articles of incorporation filed in the office of the Secretary of State, duly certified by such Secretary of State, in the office of the county clerk of the county in which such property is situated,

within **SIXTY DAYS** after such purchase or location is made. C. C. 299.

**Filing Certified Copy.**

If any corporation hereafter acquires any property in a county other than that in which it now holds property, it must

within **NINETY DAYS** thereafter, file with the clerk of such county such certified copy of the copy of its articles of incorporation. C. C. 299.

**Amendment—Publication of Notice.**

Corporation may amend its articles of incorporation by a majority vote of the trustees, after notice of intention to make such amendment

has been advertised for **THIRTY DAYS.** C. C. 362.

**Petition to Withdraw.**

A petition for leave to withdraw articles of incorporation filed in the wrong county may be heard

after **TEN DAYS'** notice of the hearing by publication. C. C. 363.

**Order Allowing Withdrawal.**

After order allowing the withdrawal of certificate improperly filed is made, it must be filed in the proper county

within **TEN DAYS.** C. C. 363.

**Assault.** See **Statute of Limitations.**

**ASSESSMENT OF STOCK.****Publication and Mailing Notice of Assessment.**

In lieu of personal service of notice of assessment, it may be sent through the mail, and published once a week for **FOUR** successive weeks, at the principal place of business, and the location of the works. C. C. 336.

**Publication of Notice of Sale in Daily Paper.**

Notice of delinquent sale, when published in a daily paper, must be published for **TEN DAYS**, excluding Sundays and holidays, previous to the day of sale. C. C. 339.

**Publication of Notice of Sale in Weekly Paper.**

When published in a weekly paper, it must be published in each issue for **TWO WEEKS** previous to the day of sale. C. C. 339.

**First Publication of Notice of Sale.**

The first publication of all delinquent sales must be at least **FIFTEEN DAYS** prior to the day of sale. C. C. 339.

**Extension of Time of Delinquent Sale.**

Dates fixed in any notice of assessment or notice of delinquent sale may be extended from time to time for not more than **THIRTY DAYS**, by order of the directors. C. C. 345.

**Assessment, delinquent.** See Statute of Limitations.

**Assessment of damages.** See Eminent Domain.

**Assessment work.** See Mining.

**Assigning lease.** See Unlawful Detainer.

**ASSIGNMENT FOR BENEFIT OF CREDITORS.****Notice to Creditors by Sheriff.**

Where assignment is made to the sheriff for the benefit of creditors, he must notify the creditors by mail immediately. C. C. 3449.

**Creditors' Meeting.**

The day to be appointed for the creditors' meeting, must not be less than **EIGHT** nor more than **TEN DAYS** from the delivery of the assignment to the sheriff. C. C. 3449.

**Publication of Notice of Creditors' Meeting**

Notice of meeting of creditors must be published by the sheriff at least **ONCE** before such meeting. C. C. 3449.

**Inventory by Assignor.**

Assignor must file inventory within **TWENTY DAYS** after assignment. C. C. 3461.

**Inventory by Assignee.**

If assignor neglects or refuses to file inventory within said twenty days, the assignee must file verified inventory

within **TWENTY DAYS** thereafter. C. C. 3462.

**Bond of Assignee.**

Assignee must file bond

within **FOETY DAYS** after the transfer by the sheriff to him. C. C. 3467.

**Commencement of Notice to Creditors.**

Assignee must publish notice to creditors

within **TEN DAYS** after the filing of his bond. C. C. 3468.

**Publication of Notice to Creditors.**

Publication of notice to creditors must continue

**ONCE** a week for **FOUR WEEKS**. C. C. 3468.

**Mailing Notice to Creditors.**

Assignee must mail notice to creditors

within **TEN DAYS** after the first notice of publication to creditors. C. C. 3468.

**Dividends.**

Assignee may declare and pay dividends after the expiration

of **THIRTY DAYS** of the first publication of notice. C. C. 3468.

**Accounting by Assignee.**

Assignee may be required to account after

**SIX MONTHS** from the date of the assignment. C. C. 3469.

**ATTACHMENT.****Issuance.**

A writ of attachment may issue

**AT THE TIME OF ISSUING SUMMONS**, or at any time afterwards. C. C. P. 537.

**Justice's Court—Issuance.**

Writ of attachment must issue

**AT THE TIME** of or after **ISSUING SUMMONS**. C. C. P. 866.

**Justice's Court—Undertaking, Exception to Sureties.**

The defendant may except to the sufficiency of the sureties

at any time after the issuing of the attachment, but not later than **FIVE DAYS** after notice of its levy. C. C. P. 867.

**Exception to Sureties on Undertaking on Attachment.**

The defendant may except to the sureties on an undertaking on attachment not

later than **FIVE DAYS** after actual notice of the levy. C. C. P. 539.



**Execution of Writ.**

The sheriff must execute the writ of attachment

**WITHOUT DELAY.** C. C. P. 542, 869.

**Lien of Attachment.**

Attachment is a lien upon real property

for **THREE YEARS** unless extended. C. C. P. 542a, 869.

**Motion to Extend Lien.**

Motion to extend an attachment must be made

not less than **FIVE DAYS** nor more than **SIXTY** before the expiration of the original lien. C. C. P. 542a, 869.

**Extension of Lien.**

The lien of an attachment may be extended on motion

for a period not exceeding **TWO YEARS** from the date on which the original lien would expire. C. C. P. 542a, 869.

**Garnishment, When Effective.**

Garnishment is effective as against any credits, property or debts belonging or due to the defendant

**AT THE TIME OF SERVICE OF THE WRIT AND NOTICE.** C. C. P. 544, 869.

**Application to Discharge.**

Application for discharge of an attachment must be made

after defendant has appealed, and upon **REASONABLE NOTICE.** C. C. P. 554, 869.

**Justification of Sureties on Undertaking to Release.**

Justification of sureties on undertaking on release of attachment must take place

within **FIVE DAYS** after the notice of filing such undertaking. C. C. P. 554, 869.

**Release.**

Property attached cannot be released from attachment until

**AFTER JUSTIFICATION** of the sureties, if justification is required. C. C. P. 555, 869.

**Motion to Discharge Writ.**

Motion to discharge writ of attachment on the ground that it was improper, or irregularly issued, may be made

**BEFORE OR AFTER RELEASE OF THE ATTACHED PROPERTY, or BEFORE ATTACHMENT ACTUALLY LEVIED,** upon **REASONABLE NOTICE.** C. C. P. 556, 869.

**Return—Where Writ Issued With Summons**

Sheriff must return the writ of attachment, if issued at the same time as the summons,

**WITH THE SUMMONS.** C. C. P. 559, 869.

**Return—Where Writ Issued After Summons.**

The sheriff must return the writ of attachment, if not issued at the same time as the summons within **TWENTY DAYS** after its receipt. C. C. P. 559, 869.

**In Actions Against Vessels, Issuance.**

Attachment may be had **AT THE TIME OF ISSUING THE SUMMONS, OR AT ANY TIME THEREAFTER.** C. C. P. 818.

**In Actions Against Vessels, Service of Writ.**

The sheriff afterwards must execute the writ without **DELAY.** C. C. P. 820.

**In Actions Against Vessels, Exception to Sureties.**

Owner and agent may except to sufficiency of sureties upon attachment bond and require justification as upon bail on arrest. C. C. P. 821. See Arrest and Bail.

**In Actions Against Vessels, Discharge of Attachment by Undertaking.**

Attachment may be discharged by undertaking **AFTER LEVY.** C. C. P. 822.

**In Actions Against Vessels, Discharge of Attachment, on Motion.**

Attachment may be discharged on motion **AFTER APPEARANCE.** C. C. P. 823.

**Attachment for failure to account. See Accounts, Probate.**

**Attachment, order dissolving, appeal from. See Appeal from Superior Court.**

**Attachment, order refusing to dissolve, appeal from. See Appeal from Superior Court.**

**Attachment, preferred claims in. See Preferred Claims.**

**Attachment, third party claim in. See Third Party Claim.**

**Attachment to compel accounting by surviving partner. See Accounting (by Surviving Partner).**

**Attorney general. See Escheated Estates.**

**ATTORNEYS AT LAW.****Transmission of Record of Conviction.**

The clerk in the case of the conviction of an attorney or counselor of a felony or misdemeanor, involving moral turpitude, shall within

**THIRTY DAYS** thereafter transmit to the supreme court a certified copy of the record of conviction. C. C. P. 288.

**Service of Citation.**

Order to appear and answer accusation against an attorney must be served upon him at least

**FIVE DAYS** before the day appointed in the citation; or where he cannot be found by publication for **THIRTY DAYS.** C. C. P. 292.

**Answer.**

If an objection to the sufficiency of the accusation be not sustained, the accused must answer within such time as may be designated by the court. C. C. P. 296.

**Authorities, points and. See Appeal from Superior Court.**

**BAIL.****Notice to District Attorney.**

When admission to bail is a matter of discretion, the officer to whom the application is made must require reasonable notice thereof to be given the district attorney. P. C. 1274.

**Surrender by Bail.**

The bail may surrender the defendant in their exoneration at any time before forfeiture of their undertaking. P. C. 1300.

**Notice to District Attorney of Order Exonerating Bail.**

Order exonerating bail may be made on **FIVE DAYS'** notice to the district attorney. P. C. 1300.

**Notice to District Attorney of Order for Refunding Deposit.**

Order for refunding deposit made in lieu of bail must be made on **FIVE DAYS'** notice to the district attorney. P. C. 1302.

**Notice to Bail Where Bond Forfeited.**

If forfeiture is not discharged, the district attorney may proceed against the bail on their undertaking, at any time within **TWENTY DAYS** from the entry on the minutes. P. C. 1306.

**Disposition of Forfeited Bail Money.**

Money deposited in lieu of bail and forfeited must be deposited with the county treasurer at the end of **THIRTY DAYS**. P. C. 1307.

**Bail. See Arrest and Bail.**

**Bail bond. See Statute of Limitations.**

**Bail in quo warranto. See Quo Warranto.**

**Balance of account. See Statute of Limitations.**

**BANKS.****Posting List of Directors.**

Every corporation doing a banking business in this state must post in its office, in a conspicuous place, accessible to the public generally, a notice signed by the president or secretary, showing

the names of the directors of such corporation, the number and value of shares of stock held by each director within **TWENTY-FOUR HOURS** after any transfer of stock. C. C. 321.

**Notice of Meeting to Consider Question of Capital Stock.**

Notice of time and place of holding meeting of corporation doing a banking business, and which has no capital stock, for the purpose of considering a proposition whether it is best to have a capital stock, must be published **ONCE** a week for **THREE** successive weeks prior to the holding of the meeting. C. C. 300.

**Banks.** See Statute of Limitations.

**Battery.** See Statute of Limitations.

**Benevolent corporation.** See Mortgage by Religious or Benevolent Corporation.

**Bigamy, annulment of marriage for.** See Statute of Limitations.

**Bill.** See Statutes.

**BILL OF EXCEPTIONS.**

**Presentation.**

Bill of exception must be presented within **TEN DAYS** after written notice of decision excepted to. C. C. P. 649.

**Proposed Bill of Exceptions Taken at Trial by Jury.**

Proposed bill of exceptions taken at trial by jury must be served within **TEN DAYS** after entry of judgment. C. C. P. 650.

**Service of Proposed Bill.**

Proposed bill of exceptions taken at trial by the court must be served within **TEN DAYS** after notice of entry of judgment. C. C. P. 650.

**Service of Proposed Amendments.**

Proposed amendments to proposed bill of exceptions must be served within **TEN DAYS** after service of the proposed bill. C. C. P. 650.

**Presentation of Bill and Amendments for Settlement.**

Proposed bill and amendments must be presented, if presented to the judge within **TEN DAYS** after service of the amendments, and upon **FIVE DAYS** notice. C. C. P. 650.

**Delivery to Clerk.**

Proposed bill and amendments must be delivered, if delivered to the clerk for the judge, within **TEN DAYS** from the service of the amendments. C. C. P. 650.

**Presentation for Certification.**

Bill of exceptions must be engrossed and presented to the judge for certification within **TEN DAYS** after settlement. C. C. P. 650.

**Presentation Where Trial is Before Referee.**

Where trial is by referee, proposed bill and amendments must be presented to the referee within **TEN DAYS** after service of amendments, and upon **FIVE DAYS'** notice. C. C. P. 650.

**Presentation Where No Amendments Served.**

If no proposed amendments are served, or if proposed amendments are accepted, the bill may be presented, with or without amendments, as the case may be, without **NOTICE**. C. C. P. 650.

**Bill of Exceptions to Ruling After Judgment.**

Bill of exceptions to decision after judgment may be presented to the judge at the time the decision is made, or within **TEN DAYS** thereafter, or may be proposed in the same manner as a bill of exceptions to rulings taken at a trial. C. C. P. 651.

Bill of exceptions. See New Trial.

Bill of exceptions. See Probable Cause.

Bill of exceptions in criminal cases. See Appeal from Superior Court in Criminal Cases.

**BIRTH.****Filing Certificate.**

Certificate of birth must be filed with the county recorder within **FIVE DAYS** if filed by physician, midwife or nurse, and within **TEN DAYS** if filed by the parents or next of kin. Pol. C. 3077.

Bonded indebtedness, creation of. See Creation of Bonded Indebtedness.

Bond of assignee. See Assessment for Benefit of Creditors.

Bond of guardian. See Guardianship.

Bonds, sale of. See Eminent Domain.

Bond to keep the peace. See Undertaking to Keep the Peace.

Book accounts. See Statute of Limitations.

Breach of covenant. See Unlawful Detainer.

Breach of covenant, damage for. See Damages.

Brief. See Appeal from Superior Court.

Building contract. See Mechanics' Liens.

**BURNED BONDS.****Publication of Order to Show Cause.**

Order to show cause in action to obtain duplicate of burned bonds must be published once a week for **FOUR** successive weeks, and the time and place of hearing must be not less than **THIRTY DAYS** from the first publication. C. C. 329.

Burned bonds. See Burned Stock.

**BURNED STOCK.****Publication of Order to Show Cause.**

Order to show cause in an action against a corporation to obtain a new or duplicate certificate of stock, must be published

once a week for **FOUR** successive weeks, and the day of hearing must be not less than **THIRTY DAYS** from the first publication thereof. C. C. 328.

**Burned stock. See Burned Bonds.**

**BY-LAWS.****Adoption.**

Every corporation must adopt by-laws

within **ONE MONTH** after filing articles of incorporation. C. C. 301.

**Meeting to Adopt.**

Where meeting of stockholders or members is called to adopt by-laws,

**TWO WEEKS'** notice of the same by advertisement in some newspaper published in the county in which the principal place of business of the corporation is located, if none is published therein, then in a paper published in an adjoining county, must be given by order of the acting president. C. C. 301.

**CALENDAR.****Of Supreme Court.**

The clerk shall place on the calendar for oral argument all cases which have been continued for such argument, and also, in the order in which the transcripts were filed, all cases in which points and authorities are on file, and also all motions and original proceedings pending and not under submission

**THIRTY DAYS** before the commencement of a regular session. Rule IV.

**Capital stock. See Diminution of Capital Stock.**

**Capital stock. See Increase of Capital Stock.**

**Capital stock, notice of meeting to consider. See Banks.**

**Cattle-guards. See Eminent Domain.**

**Certificate of birth. See Birth.**

**Certificate of election. See Election Contests.**

**Certificate of marriage. See Marriage.**

**Certification to transcript. See Appeal from Superior Court.**

**Certification to transcript. See Appeal from Superior Court in Criminal Cases.**

**CERTIORARI.****Notice of Application.**

Application for writ of review, if made on notice, should be made

**ON SUCH NOTICE** as the court may require. C. C. P. 1069.

**Return and Hearing.**

Writ of certiorari may be made returnable and hearing had thereon

at any time. C. C. P. 1108.

**Demurrer or Answer in Supreme Court.**

The respondent may make return, either by demurrer or by answer, or by both, upon the

**RETURN DAY** of the alternative writ. Rule XXVI, subd. 3.

**Stay of Proceedings.**

When an application is made for an alternative writ, an order staying the proceedings of any court or officer, until the return of the writ, will not be made

unless **DUE NOTICE** of the application for the writ shall have been given to all the parties interested in the proceedings. Rule XXVI, subd. 4.

**Cessation from labor. See Mechanics' Liens.**

**CHALLENGES.****To Panel in Criminal Cases.**

Challenges to a panel must be taken

before the jury is sworn. P. C. 1060.

**Change of designation of agent. See Foreign Corporations.**

**CHANGE OF NAME.****Hearing.**

The time set for hearing application for change of name must not be

less than **FOUR** nor more than **EIGHT WEEKS** from the date of the order. C. C. P. 1277.

**Publication of Order to Show Cause.**

Order to show cause why change of name should not be granted must be published

for **FOUR SUCCESSIVE WEEKS**. C. C. P. 1277.

**Filing Certified Copy of Decree.**

Certified copy of decree changing name must be filed in the office of the Secretary of State

within **THIRTY DAYS** from the date thereof. C. C. P. 1279.

**CHANGE OF PLACE OF TRIAL.****Demand.**

Demand for change of place of trial must be made

**AT THE TIME** defendant **ANSWERS** or **DEMURS**. C. C. P. 396.

**Justice's Court—Motion to Change.**

**Motion to change the place of trial** at any time **BEFORE TRIAL**. C. C. P. 833.  
 may be made

**Justice's Court—Transmission of Papers.**

**After order transferring, the justice** **IMMEDIATELY** upon payment of his  
**ordering the transfer must transmit the** fees. C. C. P. 836.  
**papers**

**Change of place of trial.** See **Removal of Trial.**

**Change of place of trial.** See **Transfer of Action to Superior Court.**

**Change of place of trial, order granting, appeal from.** See **Appeal from Superior Court.**

**Change of place of trial, order refusing to grant, appeal from.** See **Appeal to Superior Court.**

**CHANGE OF PRINCIPAL PLACE OF BUSINESS.****Publication of Notice of Intention.**

When the consent in writing of two-thirds of the holders of the capital stock of the corporation is obtained and filed, notice of the intended removal or change must be published at least **ONCE A WEEK** for **THREE SUCCESSIVE WEEKS**, in some newspaper. C. C. 321a.

**Change of venue.** See **Change of Place of Trial.**

**Changing terms of tenancy.** See **Landlord and Tenant.**

**CITATION.****Service.**

Unless otherwise specially provided, at least **FIVE DAYS** before return  
 citation must be served day thereof. C. C. P. 1711.

**Citation in election contests.** See **Election Contests.**

**Citation to apprentice for misbehavior.** See **Apprentices.**

**Citation to show cause why probate should not be revoked.** See **Contest After Probate.**

**Citation to sureties of executor or administrator.** See **Sureties.**

**CLAIM AND DELIVERY.****Time of Claim.**

**Plaintiff may claim delivery**

**AT THE TIME** of **ISSUING SUMMONS**, or **AT ANY TIME** before answer. C. C. P. 509.

**Taking of Property.**

Upon receipt of affidavit, notice and undertaking, the sheriff must take the property

**FORTHWITH.** C. C. P. 512, 870.



**Service of Papers.**

The sheriff must serve the affidavit, notice and undertaking **WITHOUT DELAY.** C. C. P. 512, 870.

**Exception to Sureties on Plaintiff's Undertaking.**

The defendant may except to the sufficiency of the sureties within **TWO DAYS** after the service of the copy of the affidavit and undertaking. C. C. P. 513, 870.

**Justification of Sureties on Undertaking to Take Property.**

The sureties on the undertaking to take the property must justify upon notice **not less than FIVE nor more than TEN DAYS** thereafter. C. C. P. 513, 493, 870.

**Return of Property.**

The defendant may require the return of the property within **FIVE DAYS** after the taking and service of notice to the defendant. C. C. P. 514, 870.

**Return of Property.**

The defendant may require the return of the property at any time **BEFORE DELIVERY** to the plaintiff. C. C. P. 514, 876.

**Delivery of Property to Plaintiff.**

The property must be delivered to the plaintiff if return be not required within **FIVE DAYS** after the taking and service of notice to the defendant. C. C. P. 514, 870.

**Justification on Undertaking for Return of Property.**

The defendant's sureties upon the undertaking for the return of the property must justify upon notice of not less than **TWO DAYS**, nor more than **FIVE DAYS**. C. C. P. 515, 870.

**Indemnity Against Third Party Claim.**

When property taken by the sheriff in a claim and delivery case is claimed by a third person, the plaintiff must indemnify the sheriff **ON DEMAND.** C. C. P. 519, 870.

**Filing Papers.**

The sheriff must file the notice, undertaking and affidavit, with his proceedings thereon, with the clerk within **TWENTY DAYS** after taking the property mentioned therein. C. C. P. 520, 870.

**Claim and delivery. See Statute of Limitations.**

**Claims against county. See Statute of Limitations.**

**CLAIMS AGAINST ESTATES.****Presentation.**

The time for presentation of claims must be

**TEN MONTHS** after the first publication, when the estate exceeds in value \$10,000, and four months when it does not. C. C. P. 1491.

**When Deemed Rejected.**

If executor or administrator refuses to act upon a claim

within **TEN DAYS**, the claimant may deem it rejected. C. C. P. 1496.

**Filing.**

Claims when allowed by the executor and administrator, and approved by the judge, must be filed

within **THIRTY DAYS** thereafter. C. C. P. 1497.

**Creditor When not Concluded by Order for Payment of Claims.**

A creditor is not concluded by the order for the payment of claims unless his claim was due or, if contingent, became absolute

**TEN MONTHS** before the day of settlement. C. C. P. 1650.

**Payment into Treasury Where Claimant cannot be Found.**

Where the amount of a claim is paid to the county treasury, the claimant not being able to be found, the amount so deposited must be deposited in the state treasury, if not claimed,

within **FIVE YEARS**, and if not claimed within **FIVE YEARS** after deposit in the state treasury, escheats to the state. C. C. P. 1514.

**Claims in probate. See Claims Against Estate.**

**Claims in probate. See Statute of Limitations.**

**Claim to contribution. See Contribution.**

**Claim to escheated estate. See Escheated Estates.**

**Commencement of construction. See Appropriation.**

**Commissioner. See Foreclosure (of Mortgages).**

**Commissioner, findings of. See Decision.**

**Commissioner's report. See Foreclosure (of Mortgages).**

**Commissioners' sales. See Foreclosure (of Mortgages).**

**Commission merchant. See Lien of Commission Merchant or Warehouseman.**

**Commission merchant. See Unclaimed Property.**

**Commission to justices of the peace. See Contesting Election of Members of the Legislature.**

**Commission to take deposition. See Depositions.**

**COMMITMENT.**

**To Await Warrant from Proper County.**

Where a jury is discharged because the court has not jurisdiction of the offense, which was committed within the exclusive jurisdiction of another county, the court must direct the defendant to be committed to await a warrant from the proper county, for such time as he deems **REASONABLE**. P. C. 1115.

**Commitment for refusal to obey writ of habeas corpus.** See **Habeas Corpus**.

**Commitment to await arrest.** See **Fugitive from Justice**.

**Commitment to institution.** See **Suspension of Sentence**.

**Common carrier.** See **Unclaimed Property**.

**COMMUNITY PROPERTY.**

**Petition to Vest.**

**Petition vesting community property** **UPON SUCH NOTICE** by publication must be heard or otherwise **AS THE COURT MAY ORDER**. C. C. P. 1723.

**Comparison of handwriting.** See **Handwriting**.

**COMPLAINT.**

**For Misdemeanor in Justice's and Police Courts.**

**Complaint for misdemeanor triable** within **ONE YEAR** after its commission. P. C. 1426a.  
**in the police or justice's court must be** **sion.**  
**filed**

**Complaint.** See **Proceedings to Determine Heirship**.

**Completion of building.** See **Mechanics' Liens**.

**Completion of contract to convey real estate.** See **Conveyances by Estates**.

**Completion of contracts of sales by guardians.** See **Guardian's Sale**.

**Compromise.** See **Offer of Compromise**.

**CONDONATION.**

**When not a Bar.**

**Condonation of a cause of divorce is** if **TWO YEARS** have elapsed after the **not a bar** **condonation**, and before the accruing or completion of the cause of divorce against which the recrimination is shown. C. C. 123.

**Constable, actions against.** See **Statute of Limitations**.

**Construction.** See **Appropriation**.

**Construction of fences and cattle-guards.** See **Eminent Domain**.

**CONTEMPT.****Warrant of Commitment.**

Where contempt is not committed in immediate presence of the court, and no warrant of attachment is issued, a warrant of commitment may be granted

**UPON NOTICE.** C. C. P. 1212.

**Punishment.**

A person adjudged guilty of contempt may be imprisoned

not exceeding **FIVE DAYS**. C. C. P. 1218.

**Justice's Court—Imprisonment.**

Imprisonment for contempt by justice of the peace may not

exceed **ONE DAY**. C. C. P. 906.

**Contempt.** See Revocation of Letters.

**CONTEST AFTER PROBATE.****When may be Made.**

Contest after probate may be made

within **ONE YEAR** after probate. C. C. P. 1327.

**Citation to Show Cause Why Probate Should not be Revoked.**

Citation to show cause why probate should not be revoked must be issued

within **ONE YEAR** after probate. C. C. P. 1328.

**Demand for Jury Trial.**

Demand for trial by jury of contest after probate must be filed

**THREE DAYS** after trial by the jury. C. C. P. 1330.

**Contest.** See Proceedings to Determine Heirship.

**Contest of elections.** See Judgment.

**Contest of elections.** See Statute of Limitations.

**Contest of probate, amendment of.** See Amendment.

**CONTESTING ELECTIONS OF THE MEMBERS OF THE LEGISLATURE.****Filing Grounds of Contest.**

A person contesting must file with the county clerk verified grounds of contest

within **TWENTY DAYS** after the certificate of election is issued. Pol. C. 274.

**Commission to Justice of the Peace.**

County clerk must issue commission to justice of the peace to meet and take depositions, not less than

**TWENTY** nor more than **THIRTY DAYS** from the filing of the statement of grounds of contest. Pol. C. 275.

**Notice of Taking Testimony.**

Notice of time and place of taking depositions, and copy of statement, must be delivered to the contestee within **TEN DAYS** after statement is filed. Pol. C. 276.

**Delivery of Depositions.**

Secretary of State must deliver depositions to presiding officer of the house in which the contest is to be tried, on or before the **SECOND DAY** of the session of the legislature. Pol. C. 281.

**Continuance.** See Postponement.

**Continuing administration.** See Order Continuing Administration.

**Contract.** See Statute of Limitations.

**Contract for Personal Services.** See Personal Services.

**Contractor's lien.** See Mechanics' Liens.

**CONTRIBUTION.****Claim to Contribution.**

Contribution may be claimed by one judgment debtor against his codebtors, by filing notice of demand and claim to contribute within **TEN DAYS** after his payment. C. C. P. 709.

**Contribution by co-owner.** See Mining.

**Conversion.** See Statute of Limitations.

**Conveyance by guardian.** See Guardian's Sale.

**Conveyance of heirs.** See Purchaser from Heir.

**CONVEYANCES BY ESTATES.****Notice of Hearing Petition for Order Directing Conveyance.**

Notice of hearing of petition for order directing conveyance of real property must be served on the executor or administrator personally, when he is not the petitioner, and published at least **FOUR SUCCESSIVE WEEKS** before the hearing. C. C. P. 1598.

**Conviction.** See Sentence.

**Convicts.** See Statute of Limitations.

**Co-owners.** See Mining.

**Copy of account.** See Account.

**Copy of account.** See Writing.

**Coroner, action against.** See Statute of Limitations.

**Corporate elections.** See Elections (Corporate).

**Corporate franchises.** See Execution Sales.

**Corporate surety.** See Sureties.

**Corporations.** See Banks.

**Corporations.** See Creation of Bonded Indebtedness.

**Corporations.** See Diminution of Capital Stock.

**Corporations.** See Elections (Corporate).

**Corporations.** See Proxies.

**Corporations.** See Restoration of Records (Corporate).

**Corporations, change of principal place of business.** See Change of Principal Place of Business.

**Corporations, foreign.** See Foreign Corporations.

**Corporations, summons against.** See Summons.

**Correction of transcript.** See Appeal from Superior Court.

**Correction of transcript.** See Appeal from Superior Court in Criminal Cases.

### **COSTS.**

#### **Service and Filing of Cost Bill.**

Cost bill must be delivered to the clerk and served upon the adverse party

**FIVE DAYS** after the verdict or notice of decision, or if entry of judgment be stayed, before such entry. C. C. P. 1033.

#### **Motion to Retax.**

Motion to retax costs must be filed

within **FIVE DAYS** after notice of filing cost bill. C. C. P. 1033.

#### **Cost Bill on Appeal.**

Cost bill for costs awarded on appeal, must be filed

within **THIRTY DAYS** after filing of the remittitur. C. C. P. 1034.

#### **Inclusion of Costs in Judgment.**

Costs must be included in the judgment by the clerk

within **TWO DAYS** after they have been ascertained. C. C. P. 1035.

#### **Security for Costs by Nonresident.**

Action by a nonresident, or foreign corporation, may be dismissed if security for costs has not been furnished

after the lapse of **THIRTY DAYS**. C. C. P. 1037.

### **COUNSEL.**

#### **Sending for.**

Time allowed defendant to send for counsel must be

a reasonable time. P. C. 859.

### **COUNSEL FEES.**

#### **Probate—Application for.**

Attorney may make application for allowance of compensation on account of services

**AT ANY TIME** during the administration. C. C. P. 1616.

County action against. See Statute of Limitations.  
 Court records. See Restoration of Court Records.  
 Covenant against assignment. See Unlawful Detainer.  
 Covenant against subletting. See Unlawful Detainer.  
 Covenant of quiet enjoyment, damages for breach of. See Damages.  
 Covenant of seisin, damages for breach of. See Damages.  
 Covenant of warranty, damages for breach of. See Damages.

### CREATION OF BONDED INDEBTEDNESS.

#### Mailing Notice.

Bonded indebtedness may be originally created, by a resolution adopted by the unanimous vote of the board of directors at a regular meeting or special meeting called for that purpose, and approved by the written assent of the stockholders holding two-thirds of the subscribed or issued capital stock, but notice thereof must be mailed to each stockholder

at least **THIRTY DAYS** before the certificate of or creation of bonded indebtedness is made, signed or filed, unless the assents of all the stockholders be filed sooner, in which case the certificate may be filed without further delay. C. C. 359.

Creditors' claims. See Statute of Limitations.  
 Creditors' claims in probate. See Claims Against Estate.  
 Creditors' meeting. See Assessment for Benefit of Creditors.

### CREDITS TO PRISONERS.

#### For Work on Public Works.

Where a prisoner confined in the county jail is required by order of the board of supervisors to perform work on the public works or ways of the county,

he may receive **FIVE DAYS** credit for each month. P. C. 1614.

Criminal cases, deposition of. See Depositions.

### CROSS-COMPLAINT.

#### When Filed.

Cross-complaint may be filed

at the **SAME TIME** as the **ANSWER**, or by permission of the court subsequently. C. C. P. 442.

#### Pleading to.

Parties who have already appeared in an action must demur or answer to cross-complaint

within **TEN DAYS** after service thereof. C. C. P. 442.

**Summons on.**

Where **summons** is served on **cross-complaint** directed to parties who have not appeared in the action, they must appear

within **TEN DAYS** after service, if served within the county in which the action is pending, and within **THIRTY DAYS** if served elsewhere. C. C. P. 442.

**Cross-interrogatories.** See **Depositions**.  
**Cruelty to animals, lien for.** See **Liens on Animals**.  
**Custodian of will, delivery by.** See **Probate of Wills**.  
**Custody.** See **Removal of Trial**.

**DAMAGES.****For Breach of Covenant.**

In computing damages for breach of covenant of seisin, right to convey, warranty, or quiet enjoyment,

interest is included for the time during which the grantee derived no benefit from the breach. C. C. 3304.

**For Wrongful Occupation.**

In computing damages caused by the wrongful occupation of real property, the measure is deemed to be the value of its use for the time of occupation,

not exceeding **FIVE YEARS** next preceding the commencement of the action. C. C. 3334.

**Damages.** See **Statute of Limitations**.  
**Damages in eminent domain.** See **Eminent Domain**.  
**Death.** See **Execution**.  
**Death.** See **Statute of Limitations**.  
**Death by negligence.** See **Statute of Limitations**.  
**Death by wrongful act.** See **Statute of Limitations**.  
**Death of employer.** See **Preferred Claims**.  
**Death of party.** See **Statute of Limitations**.  
**Death of reporter, transcription of notes upon.** See **Appeal from Superior Court in Criminal Cases**.  
**Death of stranger.** See **Public Administrator**.  
**Debtor of judgment debtor.** See **Execution**.  
**Deceased administrator's account.** See **Accounts—Probate**.  
**Deceased executor's account.** See **Accounts—Probate**.

**DECISION.****Must be Rendered When.**

No judge of the Supreme Court, nor of a District Court of Appeal, nor of a Superior Court shall draw or receive any monthly salary, unless he shall make and subscribe an affidavit before an



officer entitled to administer oaths, that **NINETY DAYS.** Const., art. 6, sec. 24.  
no cause in his court remains pending  
and undecided, that has been sub-  
mitted for decision for a period of

**By Court.**

Upon trial of a question of fact by within **THIRTY DAYS** after the cause  
the court, decision must be given in is submitted for decision. C. C. P. 632.  
writing and filed with the clerk

**By Referee or Commissioner.**

Referees or commissioner must report within **TWENTY DAYS** after the tes-  
findings in writing timony is closel. C. C. P. 643.

**Election Contests.**

Findings and conclusions on election within **TEN DAYS** after submission,  
contests must be filed and judgment immediately entered  
thereon. C. C. P. 1118.

**Upon Petition to Establish Standing of Newspaper.**

Decision upon the petition must be within **TEN DAYS** after the hearing.  
rendered Pol. C. 4462.

**Decision in election contests. See Decision.**

**Declaration of marriage. See Marriage.**

**Decree, action on. See Statute of Limitations.**

**Deed. See Sheriff's Deed.**

**DEFAULT.**

**Judgment by.**

Judgment by default may be had, if upon **EXPIRATION OF THE TIME**  
no answer filed, **FOR ANSWERING.** C. C. P. 585.

**Default. See Appearance.**

**Default. See Opening Default.**

**Default. See Summons.**

**Deficiency judgment. See Foreclosure (of Mortgages).**

**Delinquent assessment. See Statute of Limitations.**

**Delinquent co-owners. See Mining.**

**Delinquent purchasers of state lands. See Foreclosure of Delinquent  
Purchasers of State Lands.**

**Delivery of copy of transcribed notes. See Appeal from Superior  
Court in Criminal Cases.**

**Delivery of possession to heirs and devisees. See Possession.**

**Demand for change of place of trial. See Change of Place of Trial.**

**DEMAND FOR JURY.****In Will Contest.**

Demand for jury must be filed at least ten days prior to the day set for hearing. C. C. P. 1312.

**Demand for jury trial. See Insane Persons.**

**Demand for jury trial in will contests. See Contests After Probate.**

**DEMURRER.****Demurrer to Answer.**

In the superior court the plaintiff within **TEN DAYS** after the service may demur to the answer thereof. C. C. P. 443.

**In Unlawful Detainer.**

Defendant may demur on or before the day fixed for his appearance. C. C. P. 1170.

**To Indictment or Information.**

Demurrer or plea must be put in at the time of the arraignment, or such other time as may be allowed defendant for that purpose. P. C. 1003.

**Justice's Court—To Complaint.**

Defendant may demur to the complaint **AT ANY TIME BEFORE ANSWERING.** C. C. P. 854.

**Justice's Court—To Answer.**

The plaintiff may demur to the new matter in the answer for insufficiency **AT ANY TIME BEFORE TRIAL.** C. C. P. 857.

**Justice's Court—Notice of Hearing.**

Notice of hearing demurrer must be served **FIVE DAYS** before the hearing, when personally served, and **TEN DAYS** when served by mail. C. C. P. 850.

**Demurrer. See Appearance.**

**Demurrer. See Summons.**

**Demurrer in certiorari. See Certiorari.**

**Demurrer in procedendo. See Procedendo.**

**Demurrer in prohibition. See Prohibition.**

**Demurrer in supreme court. See Mandamus.**

**Demurrer to answer. See Demurrer.**

**Demurrer to application for writ of mandate. See Mandamus.**

**Demurrer to complaint in intervention. See Intervention.**

**Demurrer to cross-complaint. See Cross-complaint.**

**Denial of claim. See Preferred Claims.**

**Deposit in lieu of bail. See Arrest and Bail.**

**Deposition. See Contesting Election of Members of the Legislature.**

**Deposition in McEnerney suit. See McEnerney Actions.**

**DEPOSITIONS.****Order for Subpoena.**

An order for the issuance of subpoena to require an attendance before a commissioner or other officer upon taking a deposition may be made

**EX PARTE.** C. C. P. 1986.

**Service of Subpoena.**

Service of subpoena must be made so as to allow the witness

a **REASONABLE TIME** for preparation and travel to the place of attendance. C. C. P. 1987.

**Notice and Affidavit, Service of.**

Service of notice and affidavit on taking deposition may be made

**WITH OR WITHOUT NOTICE** to parties in default, or not appearing, as the court may provide. C. C. P. 2023.

**Application for Commission.**

Application for a commission to take a deposition of a witness out of the state must be made

on **FIVE DAYS'** previous notice. C. C. P. 2024.

**Cross-interrogatories.**

Cross-interrogatories must be proposed

at **THE TIME OF HEARING** of the application for a commission. C. C. P. 2025.

**Redirect Interrogatories.**

Moving party must, if he request it, be allowed

**TWO DAYS** to propose redirect interrogatories. C. C. P. 2025.

**Application to Take Testimony Without Written Interrogatories.**

Notice of application for commission to take testimony, without written interrogatories, must be

**TWO DAYS'** notice. C. C. P. 2025.

**Election to Take Deposition on Oral Interrogatories.**

Where notice has been given to take the testimony of a nonresident witness, the opposing party may elect to have the commission directed to take evidence orally, upon giving the other

**THREE DAYS'** notice in writing of his election so to do. C. C. P. 2025½.

**Notice of Taking Deposition of Nonresident.**

Notice of time and place of taking deposition of nonresident witness must be

**TEN DAYS** and **ONE DAY** in addition thereto, Sundays included, for every three hundred miles traveled from the place of holding the court to the place where such deposition is taken. C. C. P. 2025½.

**When Notice Dispensed With.**

Where service of summons has been had by publication, and default been entered, and the residence of the party unknown, and the witness resides out of the state,

**NOTICE** on taking deposition is **DISPENSED WITH**. C. C. P. 2029.

**Service of Notice.**

Notice of time and place of taking deposition within the state must be

at least **FIVE DAYS**, and **ONE DAY** for every twenty-five miles of the distance of the place of examination from the residence of the person to whom the notice is given, unless a shorter time is prescribed by the judge. C. C. P. 2031.

**Criminal Cases—Notice of Application to Take Testimony of Nonresident Witness.**

Application to take the testimony of a witness residing out of the state must be made

on **THREE DAYS'** notice to the district attorney. P. C. 1353.

**Criminal Cases—Service of Interrogatories.**

When a commission is ordered, proposed interrogatories must be served upon the district attorney

without delay, together with **TWO DAYS'** notice of the time of presentation. P. C. 1355.

**Criminal Cases—Cross-interrogatories.**

The district attorney may serve cross-interrogatories

within **TWO DAYS'** notice from the time in which they will be presented to the court or judge. P. C. 1355.

**Depositions.** See Perpetuation of Testimony.

**Deposit of forfeited bail money.** See Bail.

**Depositor.** See Statute of Limitations.

**Designation of agent.** See Foreign Corporations.

**Designation of reporter's notes.** See Appeal from Superior Court in Criminal Cases.

**Determination of heirship, appeal in.** See Appeal from Superior Court.

**Development of mining claim, postponement to enable.** See Postponement.

**Devises, delivery of possession to.** See Possession.

**DIMINUTION OF CAPITAL STOCK.****Mailing Notice.**

Capital stock may be diminished, by a resolution adopted by the unanimous vote of the board of directors at a regular meeting or special meeting called for that purpose, and approved by the written assent of the stockholders holding two-thirds of the subscribed or issued capital stock, but notice thereof must be mailed to each stockholder

at least **THIRTY DAYS** before the certificate of decrease of capital stock is signed or filed, unless the assents of all the stockholders be filed sooner, in which case the certificate may be filed without further delay. C. C. 359.

**Notice of Stockholders' Meeting.**

Notice of stockholders' meeting to diminish capital stock, or create or increase bonded indebtedness, must be published

**ONCE** a **WEEK** for at least **SIXTY DAYS**, and mailed to the stockholders at least **THIRTY DAYS** before the day appointed for the meeting. C. C. 359.

**Direction to reporter to transcribe notes.** See **Appeal from Superior Court in Criminal Cases.**

**Directors, actions against.** See **Statute of Limitation.**

**Disability.** See **Statute of Limitations.**

**Disbarment.** See **Attorneys at Law.**

**DISCHARGE FROM ARREST IN CIVIL PROCEEDING.****Notice of Application for Discharge.**

Notice of application for discharge must be served

at least **ONE DAY** before the hearing. C. C. P. 1145.

**Succeeding Applications.**

If not discharged the prisoner may apply again

at the end of every succeeding **TEN DAYS.** C. C. P. 1150.

**Discharge of attachment.** See **Attachment.**

**Discharge of sureties.** See **Guardianship.**

**Discharge on acquittal.** See **Acquittal.**

**Discharge on giving bail.** See **Arrest and Bail.**

**DISMISSAL.****For Nonappearance at Trial.**

Dismissal for nonappearance at trial cannot be had until after proof that the adverse party

has had **FIVE DAYS'** notice of such trial. C. C. P. 594.

**For Want of Prosecution.**

The court must dismiss where action is not brought to trial

within **FIVE YEARS** after answer, unless the parties have stipulated that the time may be extended. C. C. P. 583.

**By Plaintiff, Before Trial.**

Plaintiff may dismiss provided no counterclaim is set up, nor any affirmative relief sought at any time **BEFORE TRIAL**. C. C. P. 581.

**When Effective.**

Dismissals by the court are effective **FROM TIME OF ENTRY in THE MINUTES OF THE COURT**. C. C. P. 581.

**For Nonissuance of Summons.**

Unless defendant has appeared, action must be dismissed by the court, unless summons is issued within **ONE YEAR** from commencement of the action. C. C. P. 581a.

**For Nonservice of Summons.**

Unless defendant has appeared, an action must be dismissed by the court, unless summons served and returned within **THREE YEARS** after the commencement of the action. C. C. P. 581a.

**For Failure to Indict or File Information.**

Prosecution must be dismissed if indictment is not found or information filed within **THIRTY DAYS** after defendant has been held to answer, or if the action is not brought to trial within **SIXTY DAYS** after the finding of the indictment or filing information, unless defendant has consented to postponement. P. C. 1382.

**Of Suits for Foreclosure of Mechanic's Lien.**

Foreclosure proceedings may be dismissed for want of prosecution, unless prosecuted to trial within **TWO YEARS** after commencement. C. C. P. 1190.

**Dismissal of appeal in criminal cases. See Appeal from Superior Court in Criminal Cases.**

**DISSOLUTION OF CORPORATIONS.****Savings and Loan Associations.**

On dissolution of savings and loan associations, a claim of a depositor or dividend, if filed, must be determined upon **FIVE DAYS'** notice to the claimant. C. C. P. 1234.

**Notice of Application.**

Notice of application for dissolution must be given by the clerk for such time as the court may order, not less than **THIRTY** nor more than **FIFTY DAYS**. C. C. P. 1230.

**Objections to Application.**

Objection to the application may be filed at any time **BEFORE EXPIRATION** of the time of **PUBLICATION.** C. C. P. 1231.

**Hearing, Where Objections Filed.**

If objections are filed, the applicant may be heard, on **FIVE DAYS'** notice. C. C. P. 1232

**Hearing, Where No Objections Filed.**

If no objections are filed, applicant may be heard, **WITHOUT NOTICE.** C. C. P. 1232.

**For not Organizing or Disposing of Property and Discontinuing Business.**

If a corporation loses its corporate powers it may be dissolved at the suit of the state, if it does not organize and commence the transaction of its business and the construction of its works within **ONE YEAR** from the date of its incorporation, or if it loses or disposes of all of its property and fails for a period of **TWO YEARS** to elect officers and transact business. C. C. 358.

**Dissolution of injunction. See Injunction.**

**DISTRIBUTION.****To Executor or Administrator of Nonresident.**

Order for distribution to executor or administrator of nonresident decedent may be made **AFTER PETITION FILED** on notice by the clerk. C. C. P. 1668.

**Application for Partition.**

Notice of application for partition must be given either personally or by public notice, as the court may direct, at **ANY TIME** before the decree of distribution. C. C. P. 1676.

**Distribution. See Partial Distribution.**

**Distribution. See Partition.**

**District attorney. See Habeas Corpus.**

**Diversion of waters. See Injunction.**

**Dividends. See Assessment for Benefit of Creditors.**

**DIVORCE.****Final Judgment.**

The court on motion of either party, or upon its own motion, may enter the final judgment granting the divorce, when **ONE YEAR** has expired after entry of the interlocutory judgment. C. C. 132.

**Divorce. See Statute of Limitations.**

**Divorce, condonation when not a bar. See Condonation.**

**Divorce, interlocutory judgment, appeal from.** See **Appeal from Superior Court.**

**Docketing judgment.** See **Judgment.**

**Due execution.** See **Genuineness and Due Execution.**

**Duplicate bonds.** See **Burned Bonds.**

**Duplicate stock certificate.** See **Burned Stock.**

### **ELECTION CONTESTS.**

#### **List of Illegal Votes.**

Where an election is contested on the ground of **reception of illegal votes**, a written list thereof must be delivered to the opposite party

at least **THREE DAYS** before the trial  
C. C. P. 1116.

#### **Hearing.**

Election contest must be set for hearing

not less than **TEN** nor more than **TWENTY DAYS** from the date of the order staying. C. C. P. 1118.

#### **Notice to Superior Court.**

The county clerk must notify the Superior Court of election contest filed

within **FIVE DAYS** after the end of the time allowed for filing. C. C. P. 1118.

#### **Special Session.**

A **SPECIAL SESSION** of the Superior Court for the purpose of hearing election contests must be held

not less than **TEN** nor more than **TWENTY DAYS** from the date of the order for such special session. C. C. P. 1118.

#### **Citation to Respondent.**

Citation to the respondent must be served

at least **FIVE DAYS** before the time set for the special session. C. C. P. 1119.

#### **Certificate of Election.**

Certificate of election must be made out and delivered

**IMMEDIATELY AFTER JUDGMENT.**  
C. C. P. 1123.

**Election contests.** See **Contesting Elections of Members of the Legislature.**

**Election contests.** See **Statute of Limitations.**

**Election contests, appeal in.** See **Appeal from Superior Court.**

**Election contests, judgment in.** See **Judgment.**



**ELECTIONS (CORPORATE).****Petition to Review Corporate Election.**

Upon filing petition to the Superior Court to review corporate election and before any further proceedings are had

**FIVE DAYS'** notice of the hearing must be given, under the direction of the court or the judge thereof, to the adverse party, or those to be affected thereby. C. C. 315.

**Embezzled property. See Stolen Property.**

**Embezzlement of public moneys. See Statute of Limitations.**

**EMINENT DOMAIN.****Damages, When Accrued.**

**Rights to damages in eminent domain** are deemed to accrue at the date of the trial, where the issue is not tried

within **ONE YEAR** after the commencement of the action, unless a delay is caused by the defendant. C. C. P. 1249.

**Payment of Money Assessed.**

**The plaintiff must pay the money assessed**

within **THIRTY DAYS** after final judgment. C. C. P. 1251.

**Payment Where State or Public Corporation is Plaintiff.**

**Where the State, or a public corporation is plaintiff,** and it is necessary to sell bonds to provide the money to pay the sum assessed, it may be paid

within **SIX MONTHS** from the date of judgment, excluding the time during which the sale of the bonds cannot be had by reason of litigation affecting their validity. C. C. P. 1251.

**Construction of Fences and Cattle-guards.**

**Where a bond is given by a railroad corporation to construct fences and cattle-guards,** they must be constructed

within **EIGHTEEN MONTHS** from the time the railroad is built on the land taken. C. C. P. 1251.

**Election to Build Fences and Cattle-guards.**

**The railroad company may elect to build fences and cattle-guards**

**AT THE TIME OF OR BEFORE** payment of the sum assessed. C. C. P. 1251.

**Order Authorizing Possession.**

**The order authorizing the plaintiff to continue in or take possession of property during the pendency must be made on notice**

of not less than **TEN DAYS.** C. C. P. 1254.

**Abandonment of Proceedings.**

**Plaintiff may abandon proceedings at any time after filing complaint**

before the expiration of **THIRTY DAYS** after final judgment. C. C. P. 1255a.

**Employer, death of.** See Preferred Claims.

**Enforcement of judgment.** See Judgment.

**Engrossment of statement.** See New Trial.

**Engrossment of statement on appeal.** See Appeal from Superior Court.

**Entry.** See Adverse Possession.

**Entry.** See Forcible Detainer.

**Entry.** See Landlord and Tenant.

**Entry.** See Original Entry.

**Entry of judgment.** See Judgment.

**Entry of verdict.** See Verdict.

**Error, presentation of.** See Probable Cause.

**Escape.** See Arrest and Bail.

**Escape.** See Statute of Limitations.

### ESCHEATED ESTATES.

#### Hearing.

Order to show cause must require all persons interested to appear

within **FORTY DAYS** from the date of the order. C. C. P. 1269.

#### Order to Show Cause, Publication of.

Order to show cause must be published

at least **ONE MONTH** prior to the expiration of the time fixed for appearance. C. C. P. 1269.

#### Receiver.

Receiver to take charge of escheated estate may be appointed

**EITHER BEFORE OR AFTER ANSWER, UPON NOTICE** to the party claiming an estate, if known. C. C. P. 1270.

#### Sale of Escheated Property.

After judgment, escheated property must be sold

on **SUCH NOTICE AS MAY BE PRESCRIBED** by the court in such judgment. C. C. P. 1271.

#### Report of Sale.

The sheriff must make report of sale

within **FIVE DAYS** after making the same. C. C. P. 1271.

#### Petition Showing Claim, Filing.

Petition showing claim to escheated estate must be filed by a person not a party to the proceeding

within **TWENTY YEARS** after judgment. C. C. P. 1272.

#### Petition Showing Claim, Service.

Petition showing claim to escheated estate must be served on the attorney general

at least **TWENTY DAYS** before the hearing. C. C. P. 1272.

**Petition by Infants, etc.**

Petition by infants or persons of unsound mind may be filed

within **TWENTY YEARS** after judgment, or within **FIVE YEARS** after their respective disabilities cease. C. C. P. 1272.

**ESTABLISHING STANDING OF NEWSPAPERS.**

A petition to establish the standing of a newspaper as one of general circulation must be published

for **TEN DAYS** in the newspaper petitioning, and if the court so directs, in some other newspaper, together with a notice of the day upon which petitioner intends to apply for the order. C. C. P. 4462.

**Vacating Order.**

The order may be vacated or modified or set aside upon

**TEN DAYS'** notice to the petitioner. Pol. C. 4462.

**ESTATES OF MISSING PERSONS.****How Long Person must be Missing.**

Trustee may be appointed for the care of an estate of a person who has been missing

for **TEN DAYS**. C. C. P. 1822.

**Hearing.**

Day for hearing petition for the appointment of a trustee for the estate of a missing person must be not less than

**TEN DAYS** from the date of the order. C. C. P. 1822.

**Publication of Notice of Hearing.**

Notice of the hearing of petition must be published

for **TEN DAYS** prior to the day appointed. C. C. P. 1822.

**Estates under fifteen hundred dollars. See Probate of Estates Under Fifteen Hundred Dollars.**

**Evidence. See Abstract of Title.**

**Evidence, insufficiency of, when reviewable. See Appeal from Superior Court.**

**Examination for admission to practice. See Admission of Attorneys. Exception. See Bill of Exceptions.**

**EXCEPTIONS.****When Taken.**

Except as to the matters provided for in section 647 of the Code of Civil Procedure, exceptions must be taken

**AT THE TIME DECISION** is made. C. C. P. 646.

**Exception to sureties on undertaking on appeal.** See **Appeal to Superior Court.**

**Exception to sureties on undertaking on attachment.** See **Attachment.**

**Excusable neglect.** See **Opening Default.**

## EXECUTION.

### Issuance.

Execution may issue

within **FIVE YEARS** after entry of judgment. C. C. P. 681.

### Stay.

Where judgment on appeal requires a stay bond to vacate a stay, the court cannot make an order staying proceedings for a period longer than

**THIRTY DAYS.** C. C. P. 681a.

### When Returnable.

Execution may be made returnable

not less than **TEN** nor more than **SIXTY DAYS** after its receipt by the sheriff. C. C. P. 683.

### Debtor of the Judgment Debtor may Pay Sheriff, When.

Any person indebted to the judgment debtor may pay to the sheriff the amount of his debt, or so much thereof as may be necessary to satisfy the execution

**AT ANY TIME** after the execution has issued, and before its return. C. C. P. 716.

### Application for Appraisement of Homestead.

When an execution for the enforcement of a judgment obtained in a case not within the classes where it is liable to forced sale is levied upon the homestead, the judgment creditor may apply to the Superior Court of the county in which the homestead is situated for the appointment of persons to appraise the value thereof, at any time

within **SIXTY DAYS** thereafter, and if such application shall not be made within **SIXTY DAYS** after the levy of such execution, the lien of the execution shall cease at the expiration of said period. C. C. 1245.

### Petition Showing Levy.

The application must be made upon a verified petition showing the fact that an execution has been levied upon the homestead

within **SIXTY DAYS** prior to the filing of said petition. C. C. 1246.

### Service of Petition.

A copy of the petition, with the notice of the time and place of hearing, must be served upon the claimant, or his attorney,

at least **TWO DAYS** before the hearing, and if such notice shall not be served, the lien of the execution shall cease at the expiration of said period of ninety days. C. C. 1248.

**Report of Appraisers.**

Persons appointed to appraise the value of a homestead must make to the judge a report in writing, which report must show the appraised value and their determination upon the matter of a division of the land claimed,

within **FIFTEEN DAYS AFTER THEIR APPOINTMENT.** C. C. 1252.

**After Sale, Money Equal to Homestead Exemption Protected.**

Where homestead is sold under execution the money paid to the claimant is entitled to the same protection against legal process and the voluntary disposition of the husband, which the law gives to the homestead

for the period of **SIX MONTHS** thereafter. C. C. 1257.

**Justices' Courts—Issuance Outside the County.**

Execution outside of the county may be issued

from the time of **DOCKETING JUDGMENT** in the county clerk's office. C. C. P. 899.

**Justices' Court—Issuance.**

In the Justice Court execution may issue

within **FIVE YEARS** from the entry of judgment. C. C. P. 901.

**Justices' Court—Stay.**

Justice may stay the execution for

not exceeding **TEN DAYS.** C. C. P. 901a.

**Justices' Court—Renewal.**

Execution may be renewed

**BEFORE THE EXPIRATION** of the time fixed for its **RETURN.** C. C. P. 903.

**Death.**

Day appointed for execution of judgment of death must not be less than

**SIXTY** nor more than **NINETY DAYS** from the time of judgment, and the sheriff must deliver the defendant to the warden within **TEN DAYS** from the time of judgment. P. C. 1217.

**Execution in unlawful detainer. See Unlawful Detainer.**

**Execution of writ of attachment. See Attachment.**

**Execution on motion. See Judgment.**

**Execution, preferred claims in. See Preferred Claims.**

**EXECUTION SALES.****Perishable Property—Notice of Sale.**

Notice of sale of perishable property under execution must be

for a **REASONABLE TIME.** C. C. P. 692, subd. 1.

**Personal Property—Notice of Sale.**

Notice of sale of personal property, other than perishable property, must be for

not less than **FIVE DAYS** nor more than **TEN DAYS**. C. C. P. 692, subd. 2.

**Real Property, Notice.**

Notice of sale of real property under execution must be posted

for **TWENTY DAYS** and published once a week for **TWENTY DAYS**. C. C. P. 692, subd. 3.

**Real Property, Time of Holding.**

Execution sales must be held

between **NINE** in the morning and **FIVE** in the afternoon. C. C. P. 694.

**Real Property—Title Passes.**

Execution sale passes title to interest of judgment debtor

at the date of levy of execution, or date when judgment became a lien, or date of attachment. C. C. P. 700.

**Real Property—Sheriff's Deed.**

Where there has been no redemption, the sheriff may make his deed to the purchaser

after the expiration of **TWELVE MONTHS** from the sale. C. C. P. 703.

**Rents.**

Purchaser at execution sale is entitled to the rents and profits of the property sold

**FROM THE TIME OF SALE UNTIL REDEMPTION**. C. C. P. 707.

**Undertaking on Release of Property, When Effective.**

If no objection is made to the undertaking given on release of property taken under execution, the same becomes effective

**TEN DAYS** after service of the copy thereof on the judgment debtor. C. C. P. 713½.

**In Actions Against Vessels.**

Execution sales must be made after publication of notice of sale

for **TEN DAYS**. C. C. P. 824.

**Execution, third party claim in. See Third Party Claim.**

**Executor. See Administrator.**

**Executor. See Inventory.**

**Executor. See Revocation of Letters.**

**Executor, actions by. See Statute of Limitations.**

**Executor of nonresident, distribution to. See Distribution.**

**EXECUTORS.****Renunciation of Letters.**

Unless good cause is shown for failure to petition, executor is deemed to have renounced his right if he fails to petition for letters

within **THIRTY DAYS** from the knowledge of the death of the testator. C. C. P. 1301.

**Executor's account.** See **Accounts, Probate.**

### **EXECUTOR'S FEES.**

**Application for.**

An executor or administrator may make an application to the court for the partial allowance on account of his fees, at any time after **ONE YEAR** from the admission of the will to probate, or the granting of the letters of administration. C. C. P. 1616.

**Exemption of proceeds of homestead.** See **Execution.**

**Exemption of proceeds of sale of homestead.** See **Homestead.**

**Extension of lien of attachment.** See **Attachment.**

**Extension of time of delinquent stock sale.** See **Assessment of Stock.**

### **EXTENSIONS OF TIME.**

**Extensions of time to do any act** where extension is permitted must not exceed **THIRTY DAYS** in all, except where the party applying is a member of the legislature engaged in attendance thereon, and in that case, not exceeding **THIRTY DAYS** after the termination of the legislature. C. C. P. 1054.

**False imprisonment.** See **Statute of Limitations.**

**Falsification of public records.** See **Statute of Limitations.**

### **FAMILY ALLOWANCE.**

Where estate is insolvent, family allowance must not be longer than **ONE YEAR** after granting letters. C. C. P. 1466.

**Fees of executor or administrator.** See **Executor's Fees.**

### **FELONY.**

**Punishment.**

A felony, unless otherwise prescribed, is punishable in the state prison, not exceeding **FIVE YEARS.** P. C. 18.

**Felony.** See **Statute of Limitations.**

**Felony, divorce for.** See **Statute of Limitations.**

**Fences.** See **Eminent Domain.**

**Final account.** See **Accounts—Probate.**

**Final judgment.** See **Divorce.**

**Final judgment, appeal from.** See **Appeal from Superior Court**

**Finder.** See Lost Property.

**Findings.** See Decision.

### **FINES.**

#### **Imprisonment for Fine.**

Imprisonment for fine must not exceed

**ONE DAY** for every **TWO DOLLARS** of the fine, nor extend beyond the term for which the defendant might be sentenced. P. C. 1205.

#### **Imprisonment for Fine in Justice's and Police Court.**

Judgment that the defendant pay a fine may direct that he be imprisoned until the fine be satisfied, in the proportion of

**ONE DAY'S** imprisonment for every dollar of the fine. P. C. 1446.

#### **Payment into Treasury.**

When a judgment is entered imposing a fine, the defendant must be discharged upon the payment thereof, and the fine paid over to the county treasury, or city treasurer

within **TEN DAYS**. P. C. 1457.

### **FORCIBLE DETAINER.**

#### **Who is an Occupant.**

An occupation of property, within the meaning of the law defining forcible detainer, is one who was in peaceable and undisturbed possession thereof

within **FIVE DAYS** preceding the unlawful entry. C. C. P. 1160.

#### **Who is Guilty of Forcible Detainer.**

A person is guilty of forcible detainer who enters in the night-time, or during the absence of the occupant, and after demand refuses to surrender

for a period of **FIVE DAYS**. C. C. P. 1160, subd. 1.

**Forcible detainer.** See Unlawful Detainer.

**Forcible entry.** See Forcible Detainer.

### **FORECLOSURE (OF DELINQUENT PURCHASERS OF STATE LANDS).**

#### **Notice of Intention.**

The district attorney must, on receipt of the delinquent list of purchasers of state lands, add thereto a notice that he will commence suit in foreclosure if the amount due is not paid

within **FIFTY DAYS** and publish the same for **FOUR WEEKS** immediately following, or if no newspaper, post the same in **FIVE** public places. Pol. C. 3547.



**Commencement of Action.**

The district attorney must commence action against delinquent persons, after the expiration of

**FIFTY DAYS.** Pol. C. 3548.

**Service of Summons.**

Service of summons under action to foreclose delinquent purchasers of state lands may be made by publication for

**FOUR WEEKS**, or if no newspaper by posting for **FOUR WEEKS** at the courthouse door, and two public places in the township where the land is situated. Pol. C. 3549.

**Filing Certified Copy of Judgment.**

The district attorney must file a certified copy of the judgment foreclosing delinquent purchaser of state lands in the office of the register

within **TWENTY DAYS** after the entry of judgment. Pol. C. 3550.

**Foreclosure of logger's lien. See Statute of Limitations.**

**Foreclosure of mechanics' liens. See Statute of Limitations.**

**FORECLOSURE (OF MORTGAGES).****Commissioners' Sales.**

Commissioner must sell in the manner provided by law for sales of like property

under execution. C. C. P. 726. See Execution Sales.

**Appointment of Commissioner.**

Commissioner to sell encumbered property may be appointed by judgment or

any time after judgment. C. C. P. 726.

**Deficiency Judgment.**

Deficiency judgment becomes a lien

**WHEN DOCKETED.** C. C. P. 726.

**Commissioner's Report.**

Commissioner must file report and account of sale

within **THIRTY DAYS** after such sale. C. C. P. 729.

**Foreclosure of pledgee's lien. See Pledgee's Sale.**

**FOREIGN CORPORATIONS.****Change of Designation of Agent.**

A corporation must file a new designation of agent within

**FORTY DAYS** after the death or removal from the state of the agent, or after the revocation of the designation. C. C. 406.

**Foreign will.** See **Probate of Foreign Will.**  
**Forfeiture.** See **Statute of Limitations.**  
**Forfeiture, relief from.** See **Unlawful Detainer.**  
**Forged check.** See **Statute of Limitations.**  
**Franchise.** See **Redemption.**  
**Franchise, sale of.** See **Execution Sales.**  
**Fraud.** See **Statute of Limitations.**  
**Fraud, annulment of marriage for.** See **Statute of Limitations.**

### **FRAUDULENT CONVEYANCES.**

#### **Objection to Undertaking.**

Objection to undertaking given in an action to set aside fraudulent conveyance must be served upon the transferee within **TEN DAYS** after service of copy of the undertaking. C. C. P. 678.

#### **Justification on Undertaking.**

When sureties are objected to, they must justify upon **TEN DAYS'** notice. C. C. P. 678½.

#### **Undertaking, When Effective.**

The undertaking in such an action, if not objected to, becomes effective **TEN DAYS** after service of copy on the plaintiff. C. C. P. 680.

#### **Undertaking, When Effective.**

The undertaking in such an action becomes effective where objection is made, **WHEN THE ORDER IS MADE APPROVING THE SURETIES**, or sustaining the undertaking. C. C. P. 680.

**Fraudulent conveyances.** See **Stock in Trade.**

### **FUGITIVE FROM JUSTICE.**

#### **Commitment to Await Arrest.**

Fugitive from justice from another state must be committed for such time, to be specified in the warrant, as the magistrate may deem reasonable to enable his arrest. P. C. 1551.

**Funds, investment of.** See **Investment of Funds.**

**Further security.** See **Sureties.**

**Further transcription.** See **Appeal from Superior Court in Criminal Cases.**

**Garnishment.** See **Attachment.**

**Garnishment.** See **Execution.**

**GENUINENESS AND DUE EXECUTION.****Affidavit Where Defense Founded on a Written Instrument.**

When the defense to an action is founded on a written instrument, and a copy thereof is contained in the answer, or annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the plaintiff file with the clerk an affidavit denying the same, and serve a copy thereof upon the defendant within **TEN DAYS** after receiving a copy of the answer. C. C. P. 448.

**Grants, void.** See Statute of Limitations.

**Grounds of contest.** See Contesting Election of Members of the Legislature.

**GUARDIAN'S ACCOUNT.****Filing.**

Guardian must file account on the expiration of **ONE YEAR** from the time of his appointment. C. C. P. 1774.

**Guardian's bond, action on.** See Statute of Limitations.

**GUARDIANSHIP.****Notice of Application for Appointment.**

Appointment of guardian must be made **UPON SUCH NOTICE AS THE COURT DEEMS REASONABLE.** C. C. P. 1747.

**Appointment of Guardian for Minor Over Fourteen.**

The court may appoint the guardian of a minor over the age of fourteen years if he neglects to nominate a suitable person for **TEN DAYS** after being cited. C. C. P. 1749.

**Hearing of Petition to Transfer Guardianship.**

The time for hearing of a petition to transfer guardianship proceedings from one county to another must not be less than **FIVE DAYS** after date of the order fixing the time of hearing. C. C. P. 1760.

**Request for Special Notice.**

Request for special notice in guardianship proceedings may be filed **AT ANY TIME** after issuance of letters. C. C. P. 1761.

**Service of Special Notices.**

Special notices in guardianship proceedings must be served personally, or by mail within **TWO DAYS** after the filing or commencement of proceedings noticed. C. C. P. 1761.

**Notice to Incompetent.**

Notice to incompetent of application for letters of guardianship must not be less than **FIVE DAYS**. C. C. P. 1763.

**Notice of Investment.**

Guardian may be directed to invest moneys by order **AFTER SUCH NOTICE** to persons interested, as the court may direct. C. C. P. 1793.

**Notice of Application for Appointment of Guardian for Nonresident.**

Guardian for nonresident may be appointed **UPON SUCH NOTICE** as the court deems reasonable. C. C. P. 1793.

**Notice of Application to Remove Property.**

Application to remove property of nonresident ward must be made upon **TEN DAYS'** notice to resident executor, administrator or guardian. C. C. P. 1798.

**Removal of Guardian for Failure to Account.**

Guardian may be removed for failure to render an account or make a return for **THIRTY DAYS**. C. C. P. 1801.

**Notice of Application to Remove Guardian.**

Superior Court may remove a guardian upon **SUCH NOTICE** to the guardian as the court may require. C. C. P. 1801.

**Discharge of Sureties on Filing New Bond.**

New bond may be given by a guardian and existing sureties discharged **AFTER SUCH NOTICE** as the court may direct. C. C. P. 1803.

**Guardianship, partition in.** See Partition.

**Guardian's inventory.** See Inventory.

**GUARDIANS' SALES.****Real Property, Hearing.**

Order to show cause on sale of real estate must specify a time not less than **FOUR** nor more than **EIGHT WEEKS** from the making of such order. C. C. P. 1782.

**Governed by Same Rules as Probate Sales.**

Proceedings for the sale of property by guardians are governed by the same provisions as sales of property of decedents. C. C. P. 1789. See Probate Sales.

**Completion of Contracts of Sale by.**

Proceedings for the completion of contracts for the sale of real estate by guardians must be had and made in the same manner as proceedings for the conveyance of real estate by executors and administrators. C. C. P. 1789a. See Conveyances by Estates.

**Duration of Order of Sale.**

No order of sale of real property by guardian continues in force

more than **ONE YEAR** after granting the same without a sale being had.  
C. C. P. 1790.

**Real Estate—Deferred Payments.**

All sales of real estate of ward's deferred payments must not exceed

**THREE YEARS** from date of sale.  
C. C. P. 1791.

**Guardians' sales. See Statute of Limitations.**

**HABEAS CORPUS.****Granting Petition.**

Where a petition for a writ of habeas corpus is presented in proper shape, it must be granted

without delay. P. C. 1476.

**Service of Writ.**

Writ of habeas corpus must be served

without delay. P. C. 1478.

**Commitment for Refusal to Obey Writ.**

A person refusing to obey the writ of habeas corpus must be committed to jail until he makes

due return, or is otherwise legally discharged. P. C. 1479.

**Service Day or Night.**

Writ of habeas corpus and process in connection therewith may be served

on any day and at any time. P. C. 1502.

**Service of Application on District Attorney.**

On petition for a writ of habeas corpus directed to the officer of the court or peace officer, a copy of the application for the writ must be served upon the district attorney at least

**TWENTY-FOUR HOURS** before the time in which the writ is returnable.  
P. C. 1475.

**HANDWRITING.****Ancient Writings.**

Comparison of handwriting may be made with writing purporting to be genuine, and acted upon as such

where writing in question is more than **THIRTY YEARS** old. C. C. P. 1945.

**Handwriting. See Writing.**

**Hearing of appeal in criminal cases. See Appeal from Superior Court in Criminal Cases.**

**Hearing of election contests. See Election Contests.**

**Heirs, delivery of possession to. See Possession.**

**Heirship.** See **Proceedings to Determine Heirship.**

**Heirship, determination of, appeal in.** See **Appeal from Superior Court.**

**Heirs of applicant to purchase public lands.** See **Public Lands.**

**Holding over.** See **Tenancy.**

## **HOMESTEAD.**

### **When Effective.**

Homestead takes effect

from the time the declaration is filed for record. C. C. 1265.

### **Exemption of Proceeds.**

Proceeds of sale of homestead are exempt

for **SIX MONTHS** next following the sale. C. C. 1265.

### **Notice of Application to Sell Where Wife Insane.**

Notice of application for order to sell homestead, where husband or wife is hopelessly insane, must be published

once a week for **THREE** successive weeks, and copy of notice served upon the next male relative resident in the state at least **THREE** weeks prior to the application. C. C. 1269a.

### **Petition to Vest.**

Petition vesting homestead must be heard

upon such notice by publication or otherwise as the court may order. C. C. P. 1723.

**Homestead.** See **Probate Homestead.**

**Homestead, execution against.** See **Execution.**

**Illegal votes, list of.** See **Election Contests.**

**Illness of reporter, transcription of notes upon.** See **Appeal from Superior Court in Criminal Cases.**

## **IMPEACHMENT.**

### **Service of Articles.**

Copy of articles of impeachment must be served upon the defendant

not less than **TEN DAYS** before the hearing. P. C. 740.

### **Answer.**

If objection to the sufficiency of the articles of impeachment is not sustained,

defendant must answer **ORTHWITH.** P. C. 744.

**Imprisonment.** See **Misdemeanor; Felony.**

**Imprisonment for contempt.** See **Contempt.**

**Imprisonment for fine.** See **Fine.**

**Inadvertence.** See **Opening Default.**

**Incompetent persons.** See **Guardianship.**

**Incompetents.** See **Insane Persons.**

**Incorporation, inquiry by state.** See **Statute of Limitations.**

### **INCREASE OF CAPITAL STOCK.**

**Notice of Stockholders' Meeting.**

Notice of stockholders' meeting to increase capital stock, or create or increase bonded indebtedness, must be published

**ONCE A WEEK** for at least **SIXTY DAYS**, and mailed to the stockholders at least **THIRTY DAYS** before the day appointed for the meeting. C. C. 359.

**Indebtedness, adjustment of.** See **Municipal Corporations.**

**Indemnity against third party claim.** See **Third Party Claim.**

**Indemnity bond.** See **Judgment.**

**Indictment, demurrer to.** See **Demurrer.**

**Indictment, dismissal for failure to indict.** See **Dismissal.**

**Infants.** See **Escheated Estates.**

### **INFORMATION.**

**Filing of.**

Information must be filed

within **THIRTY DAYS** after defendant is committed on preliminary examination. P. C. 809.

**Information, demurrer to.** See **Demurrer.**

### **INITIATIVE.**

**Action on by Legislature.**

Initiative petition shall be either enacted or rejected without change or amendment by the legislature, within

**FORTY DAYS** from the time received by the legislature. Const., art. 4, sec. 1.

**When Laws Effective.**

Laws, acts or amendments submitted by initiative or referendum take effect

**FIVE DAYS** after the date of the official declaration of the vote by the Secretary of State. Const., art. 4, sec. 1.

### **INJUNCTION.**

**Preliminary Injunction on Notice.**

No preliminary injunction shall be granted

**WITHOUT NOTICE.** C. C. P. 527.

**Injunction, When Granted.**

An injunction may be granted

at any time **BEFORE JUDGMENT.** C. C. P. 527.

**Return of Temporary Restraining Order.**

Where a temporary restraining order is granted without notice, the matter must be returnable on the order to show cause

on the **EARLIEST DATE** that the business of the court will permit of, but not later than **TEN DAYS** from the date of such order. C. C. P. 527.

**Service of Papers on Temporary Restraining Order.**

Where a party obtains a temporary order, he must serve upon the opposite party a copy of the complaint, affidavits and points and authorities

at least **TWO DAYS** prior to the hearing. C. C. P. 527.

**Injunction After Answer.**

After answer an injunction can only be allowed

**UPON NOTICE.** C. C. P. 528.

**Exception to Sureties.**

The person enjoined may except to the sufficiency of the sureties

within **FIVE DAYS** after the service of the injunction. C. C. P. 529.

**Justification of Sureties on Injunction Bond.**

Sureties on an injunction bond must upon exception to their sufficiency justify

within **FIVE DAYS** thereafter, and upon **TWO DAYS'** notice to the person enjoined. C. C. P. 529.

**Injunction Without Notice in Actions Affecting Water Flow.**

In an action to enjoin the diversion, diminution or increase of the flow of water in its natural channels, injunction may issue, without notice, where the plaintiff has been in peaceable possession of the flow of such water within

**TEN DAYS** prior to the application. C. C. P. 530.

**Application to Dissolve or Modify.**

Application to dissolve or modify an injunction, granted without notice, must

be made upon **REASONABLE NOTICE.** C. C. P. 532.

**Injunction.** See Statute of Limitations.

**Injunction, appeal from order dissolving.** See Appeal from Superior Court.

**Injunction, appeal from order granting.** See Appeal from Superior Court.

**Injunction bond.** See Injunction.

**Injury.** See Statute of Limitations.

**Innkeeper.** See Unclaimed Baggage.

**Innkeeper.** See Unclaimed Property.



**INSANE PERSONS.****Hearing.**

Where a person is arrested and charged with being insane, the judge of the Superior Court must fix a time and place for the hearing, which will give

reasonable opportunity for the production and examination of witnesses. Pol. C. 2168.

**Demand for Jury Trial.**

Demand for jury trial on the question of sanity, must be made

**FIVE DAYS** after making the order of commitment. Pol. C. 2174.

**Trial.**

The trial must be had not less than

**FIVE** nor more than **TEN DAYS** from the date of the demand. Pol. C. 2174.

**Insane persons.** See Homestead.

**Insane persons.** See Statute of Limitations.

**Insanity.** See Insane Persons.

**Insanity, annulment of marriage for.** See Statute of Limitations.

**Insolvent estates.** See Family Allowance.

**INSPECTION OF WRITINGS.**

Order for inspection or copy

may be made **UPON NOTICE**, and **MUST SPECIFY THE TIME** within which the inspection or copy must be furnished. C. C. P. 1000.

**Inspection of writing.** See Writing.

**Insufficiency of evidence, when refusable.** See Appeal from Superior Court.

**Insurance commissioner.** See Service of Process.

**Intention to move for new trial.** See New Trial.

**Interlocutory judgment, appeal from.** See Appeal from Superior Court.

**Interlocutory judgment in partition, appeal from.** See Appeal from Superior Court.

**INTERPLEADER.**

**Payment into Court by Defendant.**

A defendant against whom an action is pending upon a contract, or for specific personal property, may apply for an order to substitute another person and be discharged from liability, on depositing in court,

at any time **BEFORE ANSWER.** C. C. P. 386.

**Interrogatories.** See Depositions.

**INTERVENTION.****Time of.****Intervention may take place**at any time **BEFORE TRIAL**. C. C. P. 387.**Demurrer or Answer to Complaint in Intervention.****Demurrer or answer to complaint in intervention, must be made**within **TEN DAYS** from the service thereof, if served **within the county** wherein said action is pending, or within **THIRTY DAYS** if served elsewhere. C. C. P. 387.**INVENTORY.****Return of.****Executor or administrator must return the inventory**within **THREE MONTHS** after his appointment. C. C. P. 1443.**Extension of Time.****The court may extend the time for filing an inventory not**exceeding **TWO MONTHS**. C. C. P. 1450.**Guardians'.****Guardian must file inventory**at least **THREE MONTHS** after his appointment. C. C. P. 1773.**Inventory. See Assignment for Benefit of Creditors.****Inventory. See Revocation of Letters.****Inventory. See Search-warrant.****Inventory of lost property. See Lost Property.****Investment by guardian. See Guardianship.****INVESTMENT OF FUNDS.****Probate—Petition for.****An order for the investment of funds of an estate can be made after publication of notice of a petition**not less than **TEN DAYS**, before the hearing. C. C. P. 1592.**Issuance of writ of attachment. See Attachment.****Joint debtor, summons against. See Summons.****JUDGMENT.****Entry After Trial by Jury.****After trial by jury judgment must be entered**within **TWENTY-FOUR HOURS** after the rendition of the verdict, unless otherwise ordered. C. C. P. 664.

**Entry After Trial by Court.**

After trial by the court, judgment must be entered

**IMMEDIATELY AFTER FILING OF THE DECISION.** C. C. P. 664.

**Enforcement After Five Years.**

Judgment may be enforced by execution upon motion, or judgment, founded upon supplemental pleadings

after the **LAPSE OF FIVE YEARS** from the date of entry. C. C. P. 685.

**Docketing.**

The clerk must docket the judgment

**IMMEDIATELY** after **FILING JUDGMENT-ROLL.** C. C. P. 671.

**In Partition.**

Judgment in partition does not affect tenants for

less than **TEN YEARS** to the whole of the property subject to the partition. C. C. P. 767.

**Justice's Court—Entry After Trial by Jury.**

After trial by jury, judgment on a verdict must be entered

**AT ONCE.** C. C. P. 891.

**Justice's Court, Where Action Tried by the Court.**

When the trial is by the court, judgment must be entered

within **TEN DAYS** after the submission. C. C. P. 892.

**Against Sureties on Undertaking on Appeal.**

Judgment against sureties on an undertaking on appeal may be entered if the appellant does not pay the amount awarded

within **THIRTY DAYS** after the filing of the remittitur. C. C. P. 942.

**Against Sureties on Bond Given to Indemnify Officer.**

If an action is brought against any officer or person who has received indemnity for the doing thereof, and has given seasonable notice to the persons who executed such bond or covenant, and permitted them to conduct the defense, the court may enter judgment against them for the amount of any judgment recovered and costs on motion of defendant

on **FIVE DAYS'** notice. C. C. P. 1055.

**Annulling Election.**

When any election is annulled by judgment of the court, the office is vacant if no appeal has been taken

within **TEN DAYS.** C. C. P. 1126.

**Judgment.** See Divorce.

**Judgment.** See Foreclosure (of Delinquent Purchasers of State Lands).

**Judgment.** See Sentence.

**Judgment, action on.** See Statute of Limitations.

**Judgment, appeal from.** See Appeal from Superior Court.

**Judgment by default.** See Default.

**Judgment by determination of supreme court.** See Appeal from Superior Court.

**Judgment, deficiency.** See Foreclosure (of Mortgages).

**Judgment in actions to determine adverse claims.** See Actions to Determine Adverse Claims.

**Judgment, including costs in.** See Costs.

**Judgment lien.** See Lien of Judgment.

**Judgment, motion to enter different, appeal from.** See Appeal from Superior Court.

**Judgment of death.** See Execution.

**Judgment of district court of appeal.** See Appeal from Superior Court.

**Judgment on arbitration.** See Arbitration.

**Judgment rendered on appeal from inferior court, appeal from.** See Appeal from Superior Court.

### JUDGMENT-ROLL.

**Filing.**

The clerk must file the judgment-roll **IMMEDIATELY** after **ENTERING JUDGMENT.** C. C. P. 670.

**Judgment, vacating.** See Motion to Vacate Judgment and Enter a Different Judgment.

**Jurisdiction of sureties on undertaking on appeal.** See Appeal from Superior Court.

**Jury.** See Demand for Jury.

**Jury trial.** See Insane Persons.

**Jury trial in will contests.** See Contest After Probate.

**Justice's court.** See Alias Summons.

**Justice's court.** See Change of Place of Trial.

**Justice's court.** See Judgment.

**Justice's court.** See Sentence.

**Justice's court—Amendment of answer.** See Amendment.

**Justice's court—Amendment of complaint.** See Amendment.

**Justice's court—Amendments to pleadings.** See Amendment.

**Justice's court, appeals from.** See Appeal to Superior Court.

**Justice's court, appearance in.** See Appearance.

Justice's court, arrest and bail in. See Arrest and Bail.  
 Justice's court, attachment in. See Attachment.  
 Justice's court, complaint for misdemeanor. See Complaint.  
 Justice's court, contempt in. See Contempt.  
 Justice's court, demurrer. See Demurrer.  
 Justice's court, execution. See Execution.  
 Justice's court, imprisonment for fine in. See Fines.  
 Justice's court, judgment in. See Judgment.  
 Justice's court, judgment lien. See Lien of Judgment.  
 Justice's court, notice of trial. See Trial.  
 Justice's court, pleading in. See Pleading.  
 Justice's court, postponement. See Postponement.  
 Justice's court, summons in. See Summons.  
 Justice's court, trial in. See Trial.  
 Justification of sureties on undertaking on appeal. See Appeal to Superior Court.  
 Justification of sureties on undertaking to take property. See Claim and Delivery.

Keeping the peace. See Undertaking to Keep the Peace.

Labor, annual. See Mining.  
 Laborers' liens. See Mechanics' Liens.

### LANDLORD AND TENANT.

**Tenancy at Will may be Terminated by Notice.**

A tenancy or other estate at will, however created, may be terminated by the landlord's giving notice in writing to the tenant, in the manner prescribed by section 1162 of the Code of Civil Procedure, to remove from the premises within a period of not less than

**THIRTY DAYS**, to be specified in the notice. C. C. 789.

**Notice Changing Terms of Tenancy.**

In all leases of lands or tenements, or of any interest therein, from month to month, the landlord may change the terms of the lease to take effect at the end of the month, upon giving notice in writing

at least **THIRTY DAYS** before the expiration of the month. C. C. 827.

**Re-entry, When and How to be Made.**

Whenever the right of re-entry is given to a grantor or lessor in any grant or lease, or otherwise, such re-entry may be made at any time after the right has accrued,

upon **THREE DAYS'** notice, as provided in sections 1161 and 1162 of the Code of Civil Procedure. C. C. 791.

Landlord and tenant. See Adverse Possession.

Landlord and tenant. See Tenancy.

Laws. See Initiative.

Laws. See Statutes.

Lease. See Probate Lease.

Lease. See Tenancy.

Leasehold, redemption of. See Redemption.

## LEGISLATURE.

### Sessions of.

All sessions of the legislature, other than extraordinary, shall continue in session for a period not exceeding **THIRTY DAYS** before recess. Const., art. 4, sec. 2.

Legislature. See Adjournment.

Legislature. See Initiative.

Legislature. See Recess.

Letters of administration. See Administrators.

Letters of guardianship. See Guardianship.

Letters patent. See Statute of Limitations.

Letters testamentary. See Executors.

Levy of attachment. See Attachment.

Liability. See Statute of Limitations.

Libel. See Statute of Limitations.

License to marry. See Marriage.

Lienholders in partition. See Partition.

Lien of attachment. See Attachment.

## LIEN (OF COMMISSION MERCHANT OR WAREHOUSEMAN).

### Duration of Delinquency.

A commission merchant or warehouseman who makes advances upon consignment, either to the owner or for freight and charges, may cause the property upon which the advances were made to be advertised and sold if the same are not repaid

within **SIXTY DAYS** from the date of such advancement. Pol. C. 3156.

## LIEN (OF JUDGMENT).

### Duration.

Unless the enforcement of the judgment be stayed by undertaking on appeal, the judgment lien continues

for **FIVE YEARS** in the county in which the judgment is docketed. C. C. P. 671.

**Where Transcript Filed.**

Where transcript is filed in another county, lien continues for **TWO YEARS**. C. C. P. 674.

**Justice's Court—When Attaches.**

Judgment becomes a lien

from **THE TIME OF FILING ABSTRACT IN THE OFFICE OF THE RECORDER**. C. C. P. 900.

**Justice's Court—Duration.**

Judgment liens in Justices' Courts continue

for **TWO YEARS** from the time of filing the abstract. C. C. P. 900.

**Justice's Court—Renewal.**

Abstract of judgment may be filed before the expiration of

**TWO YEARS** from the time of filing the first abstract of judgment, and extends the lien for **TWO YEARS** from filing the subsequent abstract, provided that no such lien continues in force after **FIVE YEARS** from the rendition of judgment. C. C. P. 900.

**LIEN (OF LOGGER).****Duration.**

Lien of logger continues

for **THIRTY DAYS** after timber arrives at the place of destination for sale or manufacture. C. C. 3065.

**Lien of mechanic. See Mechanic's Lien.**

**LIEN (OF OWNER OF ANIMAL USED FOR PROPAGATING).****Filing Claim.**

Claim of lien by owner of animal used for propagating purposes must be filed

for **NINETY DAYS**, and lien continues for **ONE YEAR** after such filing. C. C. 3063.

**Lien of pledgee. See Pledgee's Sale.**

**LIEN (OF THRESHER).****Duration.**

Lien of person working on threshing-machine extends for

**TEN DAYS** after he ceases such work. C. C. 3061.

**Liens for salaries and wages. See Preferred Claims.**

**LIENS (ON ANIMALS).****For Acts Done to Prevent Cruelty—Resort to Court.**

A person having a lien upon any animal arising from acts done to prevent cruelty thereto may resort to the proper court to satisfy the claim, if it is not discharged within **THREE DAYS** after the application becomes due. C. C. P. 1208.

**For Acts Done in Prevention of Cruelty—Sale.**

A person holding a lien arising from acts done in preventing cruelty to animals may sell in satisfaction of the same upon **THREE DAYS'** notice given after the expiration of **THREE DAYS** from the time when the charges became due. C. C. P. 1208.

**Life estate, termination of. See Termination of Life Estate.**

**LIS PENDENS.****Notice by Plaintiff.**

*Lis pendens* may be recorded by plaintiff **AT THE TIME** of filing the complaint. C. C. P. 409.

**Notice by Defendant.**

*Lis pendens* may be recorded by defendant **AT THE TIME** of answering. C. C. P. 409.

**Lis pendens in actions to determine adverse claims. See Actions to Determine Adverse Claims.**

**Lis pendens in McEnerney suit. See McEnerney Actions.**

**Lis pendens in partition. See Partition.**

**List of directors. See Banks.**

**List of illegal votes. See Election Contests.**

**Local improvement act. See Statute of Limitations.**

**Location notice. See Mining.**

**Lode location. See Mining.**

**Logger's lien. See Lien of Logger.**

**Logger's lien. See Statute of Limitations.**

**LOST PROPERTY.****Notice to Owner.**

Finder of lost property must inform the owner within a **REASONABLE TIME**. C. C. 1865.

**Affidavit Where Owner Unknown.**

Where owner is unknown, finder must file an affidavit with the justice of the peace within **FIVE DAYS**. C. C. 1865.



Finder must cause list of valuation and description of lost property to be filed for record

within **FIVE DAYS** after appraisalment. C. C. 1865.

**Title Vests When.**

Title of lost property, the value of which is not more than twenty dollars, vests in the finder

at the expiration of **SIX MONTHS** after such finding. C. C. 1871.

**Publication of List.**

If lost property is of greater value than twenty dollars, the finder must publish a copy of verified list for

**THREE** successive weeks, and title vests in him, unless the owner claim the property within **ONE YEAR** after completion of publication. C. C. 1871.

**Affidavit of Finder.**

Finder of lost property must, where owner is unknown, make affidavit before the justice of the peace

within **FIVE DAYS** after the finding. Pol. C. 3136.

**Filing and Posting Appraisalment.**

Finder must transmit copy of the appraisalment to the recorder of the county, and post copy of the same at the courthouse, and four other public places

at once. Pol. C. 3138.

**Recording Appraisalment.**

The recorder must record the list and appraisalment

within **FIFTEEN DAYS**. Pol. C. 3138.

**When Title Vests Where Value Under Twenty Dollars.**

Where the property found is under twenty dollars in value, and no owner appears and proves the property, the title vests in the finder

at the end of **SIX MONTHS**. Pol. C. 3139.

**Publication of Description, and Posting.**

If the value of the lost property exceeds twenty dollars, the finder must publish description

within **THIRTY DAYS** after posting the list for **THREE WEEKS**. Pol. C. 3139.

**When Title Vests.**

If no owner proves the property so published, it vests in the finder

**ONE YEAR** after such publication. Pol. C. 3139.

**Appearance and Proof by Owner.**

Owner may appear and prove property, and have the same restored by paying all reasonable charges and fees within **ONE YEAR**. Pol. C. 3140.

**Lost will. See Probate of Lost Will.**

**MALICIOUS PROSECUTION.****Security to Pay Costs.**

In case of malicious prosecution, the court may order the prosecuting witness to give security to pay the costs within **THIRTY DAYS** after the trial. P. C. 1447.

**MANDAMUS.****Notice of Application.**

Where notice of application for writ of mandate is given, it must be at least **TEN DAYS**. C. C. P. 1088.

**Answer.**

Answer to petition for writ of mandate should be made

**ON THE RETURN DAY** of the **ALTERNATIVE WRIT**, or on the day on which the application for the writ is noticed. C. C. P. 1089.

**Trial.**

The clerk of the court which tries an issue of fact must transmit to the court to which the application for the writ is pending, certified copy of the verdict attached to the order of trial,

within **FIVE DAYS** after the rendition of the verdict, or if a motion for a new trial is made, within **FIVE DAYS** after denial of the motion. C. C. P. 1093.

**Argument.**

After return of certified copy of the verdict, either party may bring on the argument

**UPON REASONABLE NOTICE**. C. C. P. 1093.

**Peremptory Writ.**

Upon judgment in favor of the applicant, peremptory mandate must be awarded

**WITHOUT DELAY**. C. C. P. 1095.

**Return and Hearing.**

Writ of mandamus may be made returnable and hearing had thereon

at any time. C. C. P. 1108.

**Demurrer or Answer in Supreme Court.**

The respondent may make return, either by demurrer or by answer, or by both, upon the

**RETURN DAY** of the alternative writ. Rule XXVI, subd. 3.

**Stay of Proceedings.**

When an application is made for an alternative writ, an order staying the proceedings of any court or officer, until the return of the writ, will not be made

unless **DUE NOTICE** of the application for the writ shall have been given to all the parties interested in the proceedings. Rule XXVI, subd. 4.

**Recording License and Certificate.**

Person celebrating must, at the request of and for either party, make a certified copy of the license and certificate, and file the originals with the county recorder

within **THIRTY DAYS** after the marriage. C. C. 74.

**Recording Declaration.**

Where a marriage is declared as provided in said section 76 of the Civil Code, the husband must file said declaration with the county recorder

within **THIRTY DAYS** after such marriage. C. C. 79a.

**Certificate of Registry.**

Certificate of registry of marriage must be filed with the county recorder

within **THREE DAYS** after the ceremony. Pol. C. 3076.

**Marriage obtained by force. See Statute of Limitations.**

**Married woman. See Sole Trader.**

**Master, action against. See Statute of Limitations.**

**Materialmen. See Mechanics' Liens.**

**McENERNEY ACT.**

**Publication of Summons.**

Summons under McEnerney Act must be published

at least **ONCE A WEEK** for a period of **TWO MONTHS**. Stats. 1906, p. 78, sec. 4.

**Affidavit.**

The affidavit must be filed

**AT THE TIME OF FILING THE COMPLAINT.** Stats. 1906, p. 78, sec. 5.

**Mailing Summons to Nonresident.**

Mailing summons to a nonresident must be made

within **FIFTEEN DAYS** after the first publication of the summons. Stats. 1906, p. 78, sec. 6.

**Mailing Summons to Resident.**

Mailing summons to resident who cannot be found within the state, within the period of publication, must be made

**FORTHWITH** upon the expiration of the period of publication. Stats. 1906, p. 78, sec. 6.

**Posting Summons and Memorandum.**

Copy of the summons and memorandum must be posted on each separate parcel of the property

within **FIFTEEN DAYS** after the first publication of the summons. Stats. 1906, p. 78, sec. 4.

**Lis Pendens by Plaintiff.**

Plaintiff must file *lis pendens*

**AT THE TIME OF FILING THE COMPLAINT.** Stats. 1906, p. 78, sec. 9.

**Lis Pendens by Defendant.**

Defendant claiming affirmative relief must file *lis pendens*

**AT THE TIME OF FILING HIS ANSWER.** Stats. 1906, p. 78, sec. 9.

**Depositions.**

Depositions may be taken

**AT ANY TIME AFTER** the issuance of summons. Stats. 1906, p. 78, sec. 12.

**Notice of Ownership.**

Notice of ownership gives constructive notice

**THREE DAYS** after the filing thereof to all persons who may thereafter begin actions under the McEnerney Act. Act of March 23, 1907, sec. 2.

**Mechanic's lien, dismissal for want of prosecution. See Dismissal.**

**MECHANICS' LIENS.****Notice to Withhold.**

Notice to withhold may be given

**AT ANY TIME.** C. C. P. 1184.

**Filing Contract.**

Original contract must be recorded, together with the contractor's bond

**BEFORE THE WORK IS COMMENCED.** C. C. P. 1183.

**Original Contractor's Lien.**

The original contractor must file his lien

within **SIXTY DAYS** after the completion of his contract. C. C. P. 1187.

**Subcontractors, Laborers and Materialmen.**

Every person, except the original contractor must file his lien

within **THIRTY DAYS** after he has ceased to labor or furnish materials; or within **THIRTY DAYS** after completion of the original contract. C. C. P. 1187.

**Cessation from Labor.**

Cessation from labor is deemed equivalent to completion where the same

continues for **THIRTY DAYS.** C. C. P. 1187.

**Notice of Completion.**

Notice of completion should be recorded

within **TEN DAYS** after completion. C. C. P. 1187.

**Notice of Cessation.**

Notice of cessation from labor should be recorded within **FORTY DAYS** after cessation from labor. C. C. P. 1187.

**Filing Claims Where No Notice of Cessation or Completion.**

Where no notice of completion or of cessation from labor is recorded or filed, all claims of lien must be filed within **NINETY DAYS** after the same has been filed, or within **NINETY DAYS** after the expiration of credit given. C. C. P. 1187.

**Notice of Nonresponsibility.**

Notice of nonresponsibility must be posted and recorded within **TEN DAYS** after knowledge of the work. C. C. P. 1192.

**Mechanics' liens. See Statute of Limitations.**

**Members of legislature. See Service of Process.**

**Memorandum. See McEnerney Actions.**

**Mesne profits. See Statute of Limitations.**

**Mill site location. See Mining.**

**MINING.****Lode Location.**

Location notice of a lode mining claim must be recorded within **THIRTY DAYS** after posting. C. C. 1426b.

**Placer Location.**

Location notice of a placer mining claim must be recorded within **THIRTY DAYS** after posting. C. C. 1426d.

**Tunnel Location.**

Location of notice of a tunnel right must be recorded within **THIRTY DAYS** after posting. C. C. 1426g.

**Mill Site Location.**

Location notice of a mill site must be recorded within **THIRTY DAYS** after posting. C. C. 1426k.

**Proof of Annual Labor.**

Proof of annual labor must be recorded within **THIRTY DAYS** after the time limited for performing such labor. C. C. 1426m.

**Mining claims. See Probate Sales (of Mining Property).**

**Minor. See Suspension of Sentence.**

**Minor. See Probation.**

**Minors. See Guardianship.**

**Minors. See Statute of Limitations.**

**Minutes of the court. See New Trial.**

**Minutes of the court, motion vacating new trial, appeal from. See Appeal from Superior Court.**

**Recording Notice to Delinquent Co-owner, Personally Served.**

Notice to delinquent co-owner and within **NINETY DAYS** after the giving of such notice. C. C. 1426o.

**Recording Notice to Delinquent Co-owner Served by Publication.**

If notice to delinquent co-owner is given by publication, the affidavit and notice must be recorded within **ONE HUNDRED AND EIGHTY DAYS** after the first publication thereof. C. C. 1426o.

**Delivery of Writing Showing Contribution.**

Where delinquent co-owner contributes his proportion and costs within ninety days, his co-owner must deliver him writing showing that he has so contributed within **TWENTY DAYS** thereafter. C. C. 1426o.

## **MISDEMEANOR.**

**Punishment.**

Misdemeanor, unless otherwise prescribed, is punishable by imprisonment in the County Jail not exceeding **SIX MONTHS**, or fine not exceeding \$500, or both. P. C. 19.

**Misdemeanor. See Statute of Limitations.**

**Misdemeanor, complaint for. See Complaint.**

**Missing persons. See Estates of Missing Persons.**

**Mistake. See Opening Default.**

**Mistake. See Statute of Limitations.**

**Mistake. See Vacating Default.**

**Mob, damage by. See Statute of Limitations.**

**Modification of injunction. See Injunction.**

**Mortgage. See Foreclosure (of Mortgages).**

**Mortgage. See Probate Mortgage.**

## **MORTGAGE BY RELIGIOUS OR BENEVOLENT CORPORATION.**

**Posting Order Fixing Hearing.**

Order fixing time and place for hearing petition of religious, social or benevolent corporation for leave to mortgage real estate must be posted

for **TEN DAYS** on the property affected, at the head office of the corporation, and at the place where the members congregate. C. C. 598.

**Mortgage, redemption of. See Statute of Limitations.**

## **MOTION TO VACATE JUDGMENT AND ENTER A DIFFERENT JUDGMENT.**

### **Notice of Intention.**

Notice of intention to move to vacate judgment and enter a different judgment, must be served and filed within **TEN DAYS** after notice of entry of judgment. C. C. P. 663a.

### **Time of Making.**

The time designated for making a motion to vacate judgment and enter a different judgment must not be more than **SIXTY DAYS** from the time of service of the notice of entry of judgment. C. C. P. 663a.

**Motion for new trial. See New Trial.**

**Motion in arrest of judgment. See Arrest of Judgment.**

**Motion to discharge attachment. See Attachment.**

**Motion to enter different judgment, appeal from. See Appeal from Superior Court.**

**Motion to extend lien of attachment. See Attachment.**

**Motion to retax costs. See Costs.**

**Motion to vacate new trial on minutes of court, appeal from. See Appeal from Superior Court.**

**Motion to vacate order of arrest. See Arrest and Bail.**

## **MUNICIPAL CORPORATIONS.**

### **Adjustment of Indebtedness.**

Petition for adjustment of indebtedness existing against a municipal corporation at the time of exclusion of period thereof and division of the property thereof, must be set for hearing at least **FIFTEEN DAYS** after the filing of such petition and notice must be published for **TEN DAYS**. C. C. P. 1822c.

**Municipal corporations, actions against. See Statute of Limitations.**

**Murder. See Statute of Limitations.**

**Name, change of. See Change of Name.**

**Neglect. See Opening Default.**

**Neglect. See Vacating Default.**

**Negligence. See Statute of Limitations.**

**Newspaper. See Establishing Standing of Newspaper.**

**Newspaper, findings on petition to establish standing. See Decision.**

## **NEW TRIAL.**

### **Notice of Intention.**

Notice of intention to move for a new trial must be filed and served within **TEN DAYS** after notice of entry of the judgment. C. C. P. 659.

**Affidavits.**

**Affidavits** in support of a motion for a new trial must be filed and served within **TEN DAYS** after service of the notice of intention. C. C. P. 659, subd. 1.

**Counter-affidavits.**

**Counter-affidavits** on motion for a new trial must be filed and served within **TEN DAYS** after service of original affidavits. C. C. P. 659, subd. 1.

**Proposed Bill of Exceptions—Service of.**

**Proposed bill of exceptions** on motion for a new trial must be served within **TEN DAYS** after entry of judgment, or receipt of notice of entry. C. C. P. 659, subd. 2, 650.

**Proposed Amendments to Proposed Bill.**

**Proposed amendments** to proposed bill of exceptions must be served within **TEN DAYS** after service of proposed bill. C. C. P. 659, subd. 2, 650.

**Presentation of Bill and Amendments to Judge.**

If proposed amendments are not accepted, proposed bill and amendments must be presented to the judge within **TEN DAYS** after service of proposed amendments and upon **FIVE DAYS'** notice. C. C. P. 659, subd. 2, 650.

**Delivery of Bill and Amendments to Clerk.**

In lieu of presenting proposed bill and proposed amendments to the judge, they may be left with the clerk for the judge at any time within **TEN DAYS** after service of proposed amendments, without notice. C. C. P. 659, subd. 2, 650.

**Presentation of Bill—Where Amendments Accepted.**

If no proposed amendments are served, or if the proposed amendments are accepted, the bill and proposed amendments, if any, may be presented to the judge **WITHOUT NOTICE**. C. C. P. 656, subd. 2, 650.

**Proposed Statement.**

**Proposed statement** on motion for a new trial must be served within **TEN DAYS** after service of the notice of intention. C. C. P. 659, subd. 3.

**Proposed Amendments to Proposed Statement.**

**Proposed amendments** to proposed statement on motion for a new trial must be served within **TEN DAYS** after service of proposed statement. C. C. P. 659, subd. 3.

**Presentation of Statement Where Amendments Adopted.**

If amendments are adopted, amended statement may be presented to the judge or delivered to the clerk **WITHOUT NOTICE**. C. C. P. 659, subd. 3.



If amendments are not adopted, proposed statement and amendments must be presented to the judge

within **TEN DAYS** after service of the proposed amendments upon **FIVE DAYS'** notice, or delivered to the clerk for the judge. C. C. P. 659, subd. 3.

**Engrossment of Statement.**

After settlement of the statement on motion for a new trial, it must be engrossed

within **TEN DAYS**. C. C. P. 659, subd. 3.

**Application on Minutes of the Court, When Made.**

Application for a new trial on the minutes of the court must be heard

**AT THE EARLIEST PRACTICABLE PERIOD** after notice of the motion. C. C. P. 660.

**Motion on Statement, Affidavits, or Bill of Exceptions, When Heard.**

Motion for a new trial upon affidavit, bills of exceptions, or statement, must be heard

**AT THE EARLIEST PRACTICABLE PERIOD** after the affidavits, bill of exceptions or statement are filed. C. C. P. 660.

New trial, appeal from order granting. See Appeal from Superior Court.

New trial, appeal from order refusing. See Appeal from Superior Court.

Nonage, annulment of marriage for. See Statute of Limitations.

Nonappearance at trial. See Dismissal.

Nonresident, deposition of. See Depositions.

Nonresident, guardians for. See Guardianship.

Nonresident, service on. See Summons.

Nonresponsibility, notice of. See Mechanics' Liens.

Nonsuit. See Dismissal.

Notice after bail. See Bail.

Notice of appeal. See Appeal to Superior Court.

Notice of appropriation. See Appropriation.

Notice of assessment. See Assessment of Stock.

Notice of cessation. See Mechanics' Liens.

Notice of completion. See Mechanics' Liens.

Notice of election contests. See Election Contests.

Notice of filing transcript. See Appeal from Superior Court.

Notice of hearing demurrer. See Demurrer.

Notice of intention. See New Trial.

Notice of intention to use abstract as evidence. See Abstract of Title.

Notice of justification of bail. See Arrest and Bail.

Notice of mining location. See Mining.

**Notice of nonacceptance of bail.** See Arrest and Bail.

**Notice of nonresponsibility.** See Mechanics' Liens.

**Notice of ownership.** See McEnerney Actions.

**Notice of sale of delinquent stock.** See Assessment of Stock.

**Notice of stockholders' meeting to adopt by-laws.** See By-laws.

**Notice of taking deposition.** See Depositions.

### NOTICE OF TRIAL.

**Trial in Absence of Party.**

Trial in the absence of a party can not be had until after proof that the adverse party has had **FIVE DAYS'** notice of such trial. C. C. P. 594.

**Notice of trial.** See Trial.

### NOTICES.

**Notice to Attorney.**

Notice of motion to an attorney who has his office within the county must be given **FIVE DAYS** before the hearing, otherwise **TEN DAYS.** C. C. P. 1005.

**Notice of Motion by Mail.**

When notice of motion is served by mail, the number of days before the hearing must be increased **ONE DAY** for every 25 miles between the place of deposit, and the place of service, not exceeding in all **THIRTY DAYS.** C. C. P. 1005.

**At Attorney's Office.**

Service at attorney's office must be made between the hours of **9 A. M.** and **5 P. M.** C. C. P. 1011, subd. 1.

**Other Than Personal on Party.**

Service of notice, other than personal, may be made upon a party between **8 A. M.** and **6 P. M.** C. C. P. 1011, subd. 2.

**By Mail.**

Where service is made by mail, the time in which the adverse party may exercise any right, or do any act is extended **ONE DAY** for every 25 miles between the place of deposit and the place of address, not exceeding **THIRTY DAYS** in all. C. C. P. 1013.

**Notices in probate.** See Publication of Notices.

**Notice terminating tenancy.** See Unlawful Detainer.

### NOTICE TO CREDITORS (PROBATE).

**When Published.**

Notice to creditors must be published **IMMEDIATELY** after appointment of executor or administrator. C. C. P. 1490.

**How Often.**

Notice to creditors must be published as often as the court or judge shall direct, but not less than

**ONCE A WEEK for FOUR WEEKS.**  
C. C. P. 1490.

**Statement of Date of Publication.**

Copy of notice to creditors and statement of date of publication and newspaper must be filed

within **THIRTY DAYS** after the first publication of notice to creditors. C. C. P. 1491a.

**Notice to creditors. See Assessment for Benefit of Creditors.**

**Notice to creditors. See Revocation of Letters.**

**Notice to district attorney. See Bail.**

**Notice to landlord. See Tenancy.**

**Notice to perform conditions of lease. See Unlawful Detainer.**

**Notice to produce. See Writing.**

**Notice to quit. See Unlawful Detainer.**

**Notice to withhold. See Mechanics' Liens.**

**Nuncupative will. See Probate of Nuncupative Will.**

**NUNCUPATIVE WILLS.****Reduction to Writing.**

Nuncupative will must be reduced to writing

within **THREE DAYS** after the testamentary words are spoken. C. C. P. 1344.

**Objections to transcript. See Appeal from Superior Court in Criminal Cases.**

**Obligation. See Statute of Limitations.**

**Occupancy of real property. See Adverse Possession.**

**Occupant. See Forcible Detainer.**

**OFFER OF COMPROMISE.****When Made.**

Offer of compromise may be made

**AT ANY TIME BEFORE TRIAL OR JUDGMENT.** C. C. P. 997.

**When Deemed Withdrawn.**

Offer of compromise is deemed withdrawn, unless notice of acceptance thereof is given

within **FIVE DAYS.** C. C. P. 997

**Justice's Court.**

Offer of compromise may be made

**AT ANY TIME BEFORE TRIAL.** C. C. P. 895.

**Officer, judgment vacating. See Judgment.**

## **OPENING DEFAULT.**

### **Where Summons not Personally Served.**

When the summons has not been personally served on the defendant, the court may allow defendant or his legal representative to answer on the merits of the original action

within **ONE YEAR** after the rendition of judgment. C. C. P. 473.

### **Application for Relief on Ground of Mistake, Inadvertence, Surprise or Excusable Neglect.**

Application to the Superior Court for relief against a judgment, order or proceeding taken against a party through his mistake, inadvertence, surprise or excusable neglect, must be made

within a reasonable time, but in no case exceeding **SIX MONTHS** after such order, judgment or proceeding was taken. C. C. P. 473.

### **Justice's Court.**

Application for relief against a judgment by default, on the ground of mistake, inadvertence, surprise or excusable neglect, must be made

within **TEN DAYS** after notice of entry of the judgment. C. C. P. 859.

## **OPINION.**

### **When Filed.**

Every opinion of the Supreme Court which shall have received the assent of a sufficient number of the members of the court to order the judgment therein directed, shall be filed within

**NINETY DAYS** after the submission of the cause in which such opinion is written. Rule XXVIII, subd 2.

**Opinion.** See Appeal from Superior Court.

**Oral argument.** See Calendar.

**Oral interrogatories.** See Depositions.

**Order authorizing possession.** See Eminent Domain.

## **ORDER CONTINUING ADMINISTRATION.**

### **Petition.**

**Petition for order continuing administration** must be heard

**UPON NOTICE SERVED**, in the same manner as service of summons is had. C. C. P. 1670.

### **Petition to Close After Order Continuing.**

**Petition to have administration closed** after continuation order must be heard

**UPON NOTICE** served in the same manner as summons. C. C. P. 1670.

**Order dissolving attachment, appeal from.** See Appeal from Superior Court.

**Order dissolving injunction.** See Appeal from Superior Court.  
**Order extending time.** See Extensions of Time.  
**Order for hearing by Supreme Court.** See Appeal from Superior Court.  
**Order for hearing in bank.** See Appeal from Superior Court.  
**Order for subpoena.** See Depositions.  
**Order granting a new trial, appeal from.** See Appeal from Superior Court.  
**Order granting change of place of trial, appeal from.** See Appeal from Superior Court.  
**Order granting injunction.** See Appeal from Superior Court.  
**Order made after final judgment, appeal from.** See Appeal from Superior Court.  
**Order of arrest.** See Arrest and Bail.  
**Order of examination.** See Supplementary Proceeding.  
**Order refusing new trial.** See Appeal from Superior Court.  
**Order refusing to dissolve an attachment, appeal from.** See Appeal from Superior Court.  
**Order refusing to grant change of place of trial, appeal from.** See Appeal from Superior Court.  
**Order refusing to grant injunction, appeal from.** See Appeal from Superior Court.  
**Order to account.** See Trustees.  
**Original contractor's lien.** See Mechanics' Liens.

### ORIGINAL ENTRY.

#### When Made.

An entry is deemed an original entry, **AT OR NEAR THE TIME OF THE**  
 if copied from the original entry of the **TRANSACTION.** C. C. P. 1947.  
 regular course of business

**Owner of animal.** See Lien of Owner of Animal.

**Ownership, notice of.** See McEnerney Actions.

**Panel, challenge to.** See Challenges.

### PARDON.

#### Statement of Facts.

Upon application to the governor for  
 a pardon, the judge of the court or the  
 district attorney, must furnish to the  
 governor

without delay a statement of the facts  
 proved on the trial, and any other facts  
 touching the propriety of granting or re-  
 fusing the pardon. P. C. 1420.

#### Notice of Intention, Service.

Notice of intention to apply for a  
 pardon must be served upon the dis-  
 trict attorney

**TEN DAYS** before the governor acts  
 upon the application. P. C. 1422.

**Notice of Intention, Publication.**

Notice of intention to apply for a pardon must be published **THIRTY DAYS**, unless dispensed with by the governor. P. C. 1422.

**Where There is Imminent Danger of Death.**

No statement of the judge or district attorney of a publication of notice is required, where there is imminent danger of death of the person convicted, or the term of imprisonment is within **TEN DAYS** of its expiration. P. C. 1423.

**PARTIAL DISTRIBUTION.****Petition for Partial Distribution.**

Petition for partial distribution may be made at any time after **FOUR MONTHS** from the issuance of letters. C. C. P. 1658.

**Notice of Application.**

Notice of application for partial distribution must be given to the executor or administrator personally, and to all persons interested in the estate upon notice **FOR SUCH TIME AS MAY BE FIXED BY THE CLERK.** C. C. P. 1659.

**PARTITION.****Lis Pendens.**

**Lis pendens** in actions of partition must be recorded **IMMEDIATELY** after the **FILING OF THE COMPLAINT.** C. C. P. 755.

**Appearance of Lienholders Before Referee.**

Notice to lienholders to appear before referee must be served a **REASONABLE TIME** before the date of appearance. C. C. P. 762.

**Where Site of Incorporated Town Included.**

When the site of an incorporated city is included in the boundaries of the property to be partitioned, and a sale of such site is ordered, tenants in common having improvements erected on any lot or subdivision thereof, may pay into court the appraised value thereof and acquire the fee within **SIXTY DAYS** after final confirmation of the report of the referees. C. C. P. 763.

**Motion to Confirm, Change or Modify Report of Referee.**

Motion to confirm, change, or modify the report of referees must be made upon at least **TEN DAYS'** notice. C. C. P. 765.

**Motion to Confirm or Set Aside Sale.**

Motion to confirm or set aside sale must be made after report is filed upon **TEN DAYS'** notice by the parties and to the purchaser. C. C. P. 784.

**Partition. See Distribution.**

**PARTITION (IN PROBATE).****Notice.**

Before a partition is made, or an estate divided,

**NOTICE MUST BE GIVEN.** C. C. P. 1683.

**Guardianship—Notice of Hearing.**

Order for partition of property of a ward must be made only after notice of the hearing

of at least **TEN DAYS** by mail. C. C. P. 1772.

**Guardianship—Hearing.**

Order for partition of estate of ward, whether suit is or is not pending, may be made

at least **TEN DAYS** after notice of hearing by mail. C. C. P. 1772.

**Partition, interlocutory judgment in, appeal from. See Appeal from Superior Court.**

**Partition, judgment in. See Judgment.**

**Partition, order upon report of referee, appeal from. See Appeal from Superior Court.**

**PARTITION SALES.****Public Sales in Partition.**

Sales at auction in partition must be upon notice in the manner required for the sale of property

on execution. C. C. P. 775. See Execution Sales.

**Private Sales in Partition.**

Where sales in partition are ordered to be made at either public auction or private sale, the sale at private sale must be conducted in the manner required

in private sales of real property of estates of deceased persons. C. C. P. 775. See Probate Sales.

**Partnership. See Accounting (by Surviving Partners).**

**Patent. See Statute of Limitations.**

**Payment into court. See Arrest and Bail.**

**Payment into court. See Interpleader.**

**Payment into treasury. See Fines.**

**Payment of taxes. See Adverse Possession.**

**Payment to sheriff. See Execution.**

**Penalty. See Felony—Misdemeanor.**

**Penalty. See Statute of Limitations.**

**Peremptory writ of mandamus. See Mandamus.**

**Perishable property. See Execution Sales.**

**Perishable property. See Probate Sales.**

**PERPETUATION OF TESTIMONY.****Notice of Examination Where Parties are Resident.**

Notice of examination of witness on proceeding to perpetuate testimony, if the parties expectant are known and reside in this state, must

be **SUCH NOTICE AS MAY BE PRESCRIBED BY THE COURT.** If the parties are unknown, it must be by publication at least **ONCE A WEEK**, but not less than **TWO MONTHS.** C. C. P. 2084, 413.

**Where Witness is in Foreign State and Parties are Unknown.**

In proceedings to perpetuate testimony where the testimony is to be taken in another state, and the parties are unknown, notice of the settlement of the interrogatories must be published

**FOR SUCH TIME AS THE COURT MAY DESIGNATE.** C. C. P. 2086.

**Personal property. See Probate Sales.**

**Personal property. See Statute of Limitations.**

**Personal property, sale under execution. See Execution Sales.**

**PERSONAL SERVICES.****Contract for.**

A contract to render personal services, other than a contract of apprenticeship, cannot be enforced against the employee beyond the

term of **TWO YEARS** from the commencement of services under it. C. C. 1980.

**Persons of unsound mind. See Escheated Estates.**

**Petition. See Proceedings to Determine Heirship.**

**Petition for entry of judgment. See Arbitration.**

**Petition for investment of funds. See Investment of Funds.**

**Petition for partial distribution. See Partial Distribution.**

**Petition for rehearing. See Appeal from Superior Court.**

**Petition to determine heirs. See Public Lands.**

**Petition to vest homestead. See Homestead.**

**Petition to withdraw articles of incorporation. See Articles of Incorporation.**

**Petition vesting community property. See Community Property.**

**Physical incompetence, annulment of marriage for. See Statute of Limitations.**

**Placer location. See Mining.**



**PLEADING.****To Amended Pleading.**

A party who has appeared may demur or answer to an amended pleading within **TEN DAYS** after service thereof. C. C. P. 472.

**Justice's Court—Pleading to Amended Pleading.**

When a pleading is amended the adverse party may answer or demur to it within such time as the court may allow, not exceeding **TWO DAYS**. C. C. P. 860.

**Pleading—Amendments to.** See Amendment.  
**Pleading to cross-complaint.** See Cross-complaint.

**PLEDGEES'S SALE.****Notice.**

Sale by pledgee of property pledged must be made by public auction in the manner and upon the notice of sale of personal property under execution. C. C. 3005.

**PLUMBING.****Owner must Connect.**

Owner of dwelling-house must connect plumbing with the sewer within **THIRTY DAYS** after notice from health officer. C. C. P. 1191a.

**Points and authorities.** See Appeal from Superior Court.

**Points and authorities, criminal cases.** See Appeal from Superior Court in Criminal Cases.

**Police Court.** See Sentence.

**Police Court, civil actions in.** See Answer.

**Police Court, complaint for misdemeanor in.** See Complaint.

**Police Courts, imprisonment for fine in.** See Fines.

**Police Court, summons in.** See Summons.

**Police Court, trial in.** See Trial.

**POSSESSION.****Of Estate by Heir or Devisee.**

The executor is not entitled to recover the possession of any property of the estate from any heir or devisee or assignee thereof, unless he proves that the same is necessary for the payment of debts, legacies, expenses of administration or distribution to some other heir, devisee or legatee,

**AFTER THE EXPIRATION** of the time for presentation of claims. C. C. P. 1452.

**Delivery to Heirs and Devisees.**

Unless the rents, issues and profits of real estate are necessary to pay the debts, the court must direct the executor or administrator to deliver possession of the real estate to the heirs or devisees

**AT THE END OF THE TIME FOR PRESENTATION** of claims. C. C. P. 1453.

**Possession.** See **Adverse Possession.**

**Possession.** See **Forcible Detainer.**

**Possession of homestead.** See **Probate Homestead.**

**Possession of tenant.** See **Adverse Possession.**

**Possession, when a bar.** See **Unlawful Detainer.**

**Posting list of directors.** See **Banks.**

**POSTPONEMENT.****To Enable Development of Mining Claim.**

Postponement of trial to enable further development upon a mining claim must be for

a **REASONABLE TIME.** C. C. P. 595.

**Justice's Court—Extent.**

The court may postpone the trial

not exceeding **ONE DAY** when engaged in another trial; for not exceeding **TWO DAYS** on account of amendment of pleading, and not exceeding **THREE DAYS** where jury demanded. C. C. P. 874.

**Justice's Court—For Want of Testimony.**

Trial may be postponed on the application of a party for want of material testimony

for not exceeding **FOUR MONTHS.** C. C. P. 876.

**Justice's Court—Discharge of Person Under Arrest.**

A defendant in custody is discharged therefrom by postponement of the trial on the application of the plaintiff

for more than **THREE HOURS.** C. C. P. 876, subd. 2.

**Justice's Court—Where No Undertaking Filed.**

No continuance, except upon undertaking filed, or by consent, shall be granted for more

than **TEN DAYS.** C. C. P. 877.

**Of Preliminary Examination.**

Preliminary examination cannot be postponed more than

**TWO DAYS** at each time and **SIX DAYS** in all, without the consent of the defendant. P. C. 861.

**In Criminal Cases to Await Return of Commission.**

Where the court orders the testimony of a witness taken upon commission, it may be inserted in the order, and direction that the trial be stayed for a specific time, reasonably sufficient for the execution and return of the commission. P. C. 1354.

**Criminal Cases.**

Before the commencement of the trial, either party may have a postponement for a **REASONABLE TIME**. P. C. 1433.

**Postponement of sale. See Probate Sales.**

**Preferred claim. See Statute of Limitations.**

**PREFERRED CLAIMS.****Preferred Claims in Assignments for Benefit of Creditors.**

In assignments for the benefit of creditors, or insolvency proceedings, wages and salary to the extent of \$100 are preferred claims where rendered within **SIXTY DAYS** prior to the assignment or commencement of the proceedings. C. C. P. 1204.

**For Wages on Death of Employer.**

Upon death of an employer, wages not exceeding \$100 are preferred claims where work done, or services rendered within **SIXTY DAYS** prior to such death. C. C. P. 1205.

**For Wages in Attachment or Execution.**

Upon levy of attachment or execution, not founded on a claim for labor or wages for services rendered, the debtor must be paid by the officer, if undisputed, and the claim does not exceed \$100 where the services were rendered, within **SIXTY DAYS** prior to the levy. C. C. P. 1206.

**Denial of Claim.**

**Denial of claim for wages in attachment or execution proceeding must be filed by the debtor or creditor** within **FIVE DAYS** after receiving a copy of the statement. C. C. P. 1207.

**By Mariners in Actions Against Vessels.**

The claim of a mariner filed in attachment against the vessel is admitted, unless contested within **FIVE DAYS** after notice of the filing thereof. C. C. P. 826.

**Preliminary examination. See Postponement.**

**Preliminary injunction. See Injunction.**

**Presentation of bill of exceptions. See Bill of Exceptions.**

**Presentation of statement on appeal. See Appeal from Superior Court.**

**Presumption of possession. See Adverse Possession.**

**Presumption of tenancy. See Tenancy.**

**Prisoner, support of. See Arrest and Bail.**

**Prisoners, credits to. See Credits to Prisoners.**

**Private sales. See Probate Sales.**

### **PROBABLE CAUSE.**

**Presentation of Error Where No Bill of Exceptions.**

If a bill of exceptions is not settled in time to be used on the application for certificate of probable cause, or within **TWENTY DAYS** after judgment is entered, the error relied upon may be presented in any manner satisfactory to the judge. P. C. 770.

**Probate agent. See Unclaimed Property.**

### **PROBATE HOMESTEAD.**

**Possession of Widow and Children.**

Widow and children are entitled to remain in possession of the homestead

**UNTIL LETTERS ARE GRANTED, AND THE INVENTORY RETURNED.** C. C. P. 1464.

**When Set Aside.**

Homestead may be set aside

**ON RETURN OF THE INVENTORY, OR AT ANY SUBSEQUENT TIME** during the administration. C. C. P. 1465.

**Notice of Hearing Petition.**

Notice of hearing of petition to set aside homestead and exempt property, must be posted, and a copy mailed to the executor or administrator

at least **TEN DAYS** before the hearing. C. C. P. 1465a.

**From Separate Property.**

A probate homestead selected from the separate property of the decedent, can be set apart only

**FOR A LIMITED PERIOD,** to be designated in the order. C. C. P. 1468.

**Notice of Hearing Report of Appraisers.**

Notice of hearing report of appraisers of homestead must be given

for **SUCH TIME AS THE COURT MAY DIRECT.** C. C. P. 1478.

**PROBATE LEASE.****Hearing.**

Time appointed for hearing petition for leave to lease realty must be

not less than **TWO WEEKS**, nor more than **FOUR WEEKS** after the order to show cause. C. C. P. 1579, subd. 1.

**Order to Show Cause.**

Order to show cause must be served personally

at least **TEN DAYS**, or published for **TWO SUCCESSIVE WEEKS** before the hearing. C. C. P. 1579.

**Duration.**

A probate lease must not be longer

than for **TEN YEARS**, except for mining, in which case it may be for **TWENTY YEARS**. C. C. P. 1579.

**PROBATE MORTGAGE.****Hearing.**

Order to show cause on application to mortgage must specify time of hearing

not less than **FOUR**, nor more than **TEN WEEKS** thereafter. C. C. P. 1578, subd. 5.

**Service and Publication of Order to Show Cause.**

Order to show cause must be served personally

at least **TEN DAYS** before the hearing, or published for **FOUR SUCCESSIVE WEEKS** before. C. C. P. 1578, subd. 5.

**PROBATE OF ESTATES UNDER FIFTEEN HUNDRED DOLLARS.****Notice of Hearing.**

Notice of hearing petition to assign the whole of an estate under \$1,500 for the use and support of the family must be set for hearing by the clerk, and notice given by posting or publication

for at least **TEN DAYS** prior to the date of hearing. C. C. P. 1469, 1634.

**PROBATE OF FOREIGN WILLS.****Publication of Notice.**

Notice of time and place of proving foreign will must be published, if in a weekly newspaper,

on **THREE DIFFERENT DAYS**, and if in a newspaper published oftener than once a week, so that there are at least **TEN DAYS** from the first to the last publication, both included. C. C. P. 1303, 1323.

**Mailing Notice.**

Notice of probate of foreign will must be mailed to the heirs resident of the state, or served upon them personally,

at least **TEN DAYS** before the hearing. C. C. P. 1303, 1323.

**Hearing.**

Hearing of petition for proof of foreign will must be

not less than **TEN**, nor more than **THIRTY, DAYS** from the production of the copy thereof. C. C. P. 1303, 1323.

**PROBATE OF LOST WILL.****Notice of Probate.**

Notice of probate of lost will must be given

in the same manner as in proof of wills in other cases. C. C. P. 1338. See Probate of Wills.

**PROBATE OF NUNCUPATIVE WILLS.****When Admitted.**

Nuncupative wills may be admitted to probate at any time

within **SIX MONTHS** after testamentary words are spoken. C. C. P. 1344.

**Reduction to Writing.**

Testamentary words must be reduced to writing

within thirty days after they are spoken. C. C. P. 1344.

**Notice of Probate.**

Notice must be given in the same manner as required

in the probate of wills in general. C. C. P. 1344. See Probate of Wills.

**When Admitted.**

Nuncupative will may be admitted to probate

within **SIX MONTHS** after testamentary words are spoken. C. C. P. 1344.

**Petition.**

Petition for probate of a nuncupative will, will not be received by the Superior Court until the lapse of

**TEN DAYS** from the death of the testator. C. C. P. 1345.

**Latest Date for Offer of Proof.**

Proof of nuncupative will must be offered

within **SIX MONTHS** after speaking the testamentary words. C. C. 1290.

**Earliest Date for Proof.**

Probate of nuncupative will must not be granted

for **FOURTEEN DAYS** after the death of the testator. C. C. 1291.

**TIME TABLE.**

**PROBATE OF W.**

**Delivery by Custodian.**

Custodian of will must deliver to the Superior Court within  
1298.

**Petition for Probate.**

Petition to prove a will may be made **AT A**  
C. C.

**Date of Hearing.**

Petition for probate of will must be set for hearing not 1  
**THIR**  
the w

**Publication of Notice of Petition for Probate.**

Notice of petition for probate of will must be published, if in a weekly newspaper. on TE  
newsp  
a we  
**DAYS**  
public  
1303.

**Mailing Notice of Probate.**

Copies of notice of time appointed for probate of will must be mailed to the heirs resident of the state, or served personally within  
C. C.

**When Conclusive on Persons Under Disabilities.**

Probate of a will where there is no contest is not conclusive on infants disabi  
and persons of unsound mind until 1  
disabi

**PROBATE SAL.**

**Perishable Property.**

Order for sale of perishable or depreciating property may be made **WITH**

**Personal Property—Petition for Order.**

Petition for order of sale of personal property must be heard upon  
1523.

**Personal Property—Notice of Public Sale.**

Public sale of personal property must be made after  
public

**Real Property—Petition to Show Family Allowance.**

Petition for sale of real property for **ONE YEAR**. C. C. P. 1537.  
must show among other things the amount of the family allowance that will be due after the order therefor has been in force

**Real Property—Hearing of Order to Show Cause.**

Order to show cause why sale of real estate should not be made must specify time for hearing, not less than **FOUR** nor more than **TEN WEEKS** from the time of making the order. C. C. P. 1538.

**Real Property—Order to Show Cause.**

Order to show cause on sale of real estate must be served at least **TEN DAYS** before the hearing, or published for **FOUR SUCCESSIVE WEEKS**, unless dispensed with by written consent. C. C. P. 1539.

**Real Property—Notice of Sale.**

Notice of public sale of real property must be posted and published for **THREE WEEKS** successively next before the sale. C. C. P. 1547.

**Real Property—Notice of Private Sale.**

Notice of sale of real estate at private sale must be posted and published for **TWO WEEKS** next before the day on or after which the sale is to be made, which day must be at least **FIFTEEN DAYS** from the first publication of notice. C. C. P. 1549.

**Real Property—Private Sale When Made.**

Sale of real estate at private sale must be made within **SIX MONTHS** after the date specified in the notice of sale, on or after which the sale will be made. C. C. P. 1549.

**Real Property—Private Sale, Where Time Shortened.**

Time of notice of private sale of real estate, when shortened by order, must be not less than **ONE WEEK**. C. C. P. 1549.

**Real Property—Where Time has Been Shortened.**

When time of notice of sale has been shortened, the sale may take place on or after a day less than **FIFTEEN**, but not less than **EIGHT, DAYS** from the first publication of the notice. C. C. P. 1549.

**Return of Sale—Notice of Hearing.**

Notice of the hearing on return of sale of real estate must be by posting or publishing at least **TEN DAYS** before the hearing. C. C. P. 1552.



**Notice of Resale, Where Confirmation Refused.**

Where an order of resale is made upon refusal to confirm prior sale, notice of the sale must be given **as IF NO PREVIOUS SALE HAD TAKEN PLACE.** C. C. P. 1552.

**Real Property—Resale.**

If after confirmation the purchaser refuses to comply with terms of sale, an order of resale may be made **AFTER NOTICE** to the purchaser. C. C. P. 1554.

**Real Property—Postponement.**

Sale of real property may be postponed by the executor or administrator from time to time **not exceeding THREE MONTHS.** C. C. P. 1557.

**Return.**

Return of sale must be made within **THIRTY DAYS** after the sale. C. C. P. 1575.

**Probate sales. See Statute of Limitations.**

**PROBATE SALES (MINING PROPERTY).****Order to Show Cause, Service and Publication.**

Order to show cause on sale of mining interest must be served personally **at least EIGHTEEN DAYS** before the hearing, or published at least **FOUR SUCCESSIVE WEEKS** before the hearing, unless notice is dispensed with by written consent. C. C. P. 1531.

**Hearing.**

Order to show cause why mining property or mining interest should not be sold must be heard **not less than FOUR nor more than TEN WEEKS** from the time of making the order. C. C. P. 1531.

**Order to Show Cause—Time of Hearing.**

Order to show cause why sale of mining claim should not be made must specify a time of hearing **not less than TWO nor more than FOUR WEEKS** thereafter. C. C. P. 1580.

**Order to Show Cause—Service and Publication.**

Order to show cause must be personally served **at least TEN DAYS** before the hearing, or published for **FOUR SUCCESSIVE WEEKS.** C. C. P. 1580.

**Sale Notice, Report and Confirmation.**

After the order of sale is made all further proceedings for the sale of mining property and for the notice, report and confirmation thereof must be in conformity with the provisions for the **sale of real estate in probate.** C. C. P. 1533. See Probate Sales (Real Property).

### **Suspension of Sentence.**

The court may suspend sentence for the purpose of probation, for a period not exceeding the

maximum possible term of the sentence, or where the maximum possible term is less than two years, for not exceeding **TWO YEARS**, or where the offense consists of omitting to support wife or child under 270 or 270a of the Penal Code, not exceeding **FIVE YEARS**. P. C. 1203.

### **Revocation or Modification of Suspension.**

The court may revoke or modify suspension

at any time during the term of probation. P. C. 1203.

### **Report by Probation Officer.**

The probation officer must, if required by the court, file a report as to the antecedents, character, history, family environment and offenses of the defendant

at the time of plea or verdict of guilty. P. C. 1203.

### **Semi-annual Reports by Probation Officer.**

Probation officers must report to the Superior Court

within **FIFTEEN DAYS** after the 30th of June, and within **FIFTEEN DAYS** after the 30th of December. P. C. 1203.

### **Rearrest.**

A person released on probation may be rearrested without warrant

at any time during the probationary term. P. C. 1203.

### **Placing Under Care of Probation Officer.**

Defendant over sixteen years of age who has been placed on probation, must be

forthwith placed under the care of the probation officer until the expiration of the period of probation. P. C. 1215.

## **PROCEDENDO.**

### **Demurrer or Answer in Supreme Court.**

The respondent may make return, either by demurrer or by answer, or by both, upon the

**RETURN DAY** of the alternative writ. Rule XXVI, subd. 3.

### **Stay of Proceedings.**

When an application is made for an alternative writ, an order staying the proceedings of any court or officer, until the return of the writ, will not be made

unless **DUE NOTICE** of the application for the writ shall have been given to all the parties interested in the proceedings. Rule XXVI, subd. 4.

**PROCEEDINGS TO DETERMINE HEIRSHIP.****Filing Petition.**

Petition to determine heirship may be filed at any time

after the expiration of **ONE YEAR** from the issuance of letters. C. C. P. 1664.

**Hearing.**

Hearing of petition to determine heirship must be

not less than **SIXTY DAYS** nor over **FOUR MONTHS** from the date of the order to show cause. C. C. P. 1664.

**Service of Order to Show Cause.**

Order to show cause on petition to determine heirship, must be served

**IN THE SAME MANNER AS SUMMONS** in a civil action. C. C. P. 1664.

**Contest—Complaint.**

Persons appearing to contest heirship may file complaint

within **TWENTY DAYS** after date of the order establishing proof and service, and serve the same on the parties who have appeared. C. C. P. 1664.

**Service of Complaint.**

Parties on whom complaint to determine heirship is served may plead

within **TWENTY DAYS** after the service thereof. C. C. P. 1664.

**Proceedings to determine heirship, appeal in. See Appeal from Superior Court.**

**Process. See Service of Process.**

**PROHIBITION.****Hearing and Return.**

Writ of prohibition may be made returnable and hearing had thereon

at any time. C. C. P. 1108.

**Demurrer or Answer in Supreme Court.**

The respondent may make return, either by demurrer or by answer, or by both, upon the

**RETURN DAY** of the alternative writ. Rule XXVI, subd. 3.

**Stay of Proceedings.**

When an application is made for an alternative writ, an order staying the proceedings of any court or officer, until the return of the writ, will not be made

unless **DUE NOTICE** of the application for the writ shall have been given to all the parties interested in the proceedings. Rule XXVI, subd. 4.

**Proof of annual labor. See Mining.**

**Proof of ownership. See Lost Property.**

**Proposed amendments to proposed bill of exceptions. See Bill of Exceptions.**

**RECESS.****Of Legislature.**

After the first session of the legislature, a recess of both houses must be taken for not less than **THIRTY DAYS**. Const., art. 4, sec. 2.

**RECORD.****Of Criminal Action, Filing.**

Record of action must be filed by the clerk within **FIVE DAYS** after entry of judgment or conviction. P. C. 1207.

**Recording trademark.** See Trademark.

**Record, transmission of.** See Appeal to Superior Court.

**Record, transmission of in criminal cases.** See Appeal from Superior Court in Criminal Cases.

**Records.** See Restoration of Court Records.

**Records.** See Restoration of Records (Corporate).

**Recovery of stock.** See Statute of Limitations.

**REDEMPTION.****Leasehold Interest.**

There is no redemption of real property from execution sale where the estate is less than a leasehold of **TWO YEARS** unexpired term. C. C. P. 700a.

**Redemption Period.**

Where property is sold subject to redemption, it may be redeemed within **TWELVE MONTHS** after the sale. C. C. P. 702.

**Re-redemption.**

Where property has been redeemed by the redemptioner, it may be acquired by another redemptioner within **SIXTY DAYS** after the last redemption. C. C. P. 703.

**Redemptioner Entitled to Rents.**

Redemptioner of property sold under execution sale is entitled to the rents and profits thereof **FROM THE TIME OF REDEMPTION UNTIL RE-REDEMPTION**. C. C. P. 707.

**Statement of Rents.**

Where judgment debtor or redemptioner demands statement of rents and profits received before expiration of the time set for redemption, the period for redemption is extended **FIVE DAYS** after sworn statement is given by the purchaser or his assigns. C. C. P. 707.

**Action for Accounting.**

**Redemptioner or judgment debtor** for **ONE MONTH** after demand. C. C. may bring an action to compel an accounting of rents and profits where purchaser fails to give statement P. 707.

**Where Action Brought to Compel Accounting for Rents.**

Where action is brought to compel accounting of rents and profits by judgment creditor, or his assigns, the right of redemption is extended until **FIFTEEN DAYS** after final determination of such action. C. G. P. 707.

**Redemption of Corporate Franchise.**

Redemption from sale of corporate franchise under execution may be had as in the case of redemptions from sales of real estate on execution. C. C. 392.

**Redemptioner.** See **Sheriff's Deed.**

**Redemption from execution sales.** See **Execution Sales.**

**Redemption of mortgage.** See **Statute of Limitations.**

**Redirect interrogatories.** See **Depositions.**

**Reduction of bail.** See **Arrest and Bail.**

**Reduction of nuncupative will to writing.** See **Nuncupative Wills.**

**Re-entry.** See **Landlord and Tenant.**

**Referee, findings of.** See **Decision.**

**Referee in partition, order upon report of, appeal from.** See **Appeal from Superior Court.**

**Referee, presentation of bill of exceptions to.** See **Bill of Exceptions.**

**Referee's report.** See **Partition.**

**REFERENDUM.****Filing Petition.**

Referendum petition must be filed within **NINETY DAYS** after final determination of the legislature. Const., art. 4, sec. 1.

**Petition When Examined.**

Referendum petition shall be examined by the clerk or registrar of voters, within **TWENTY DAYS** after the filing of the same. Const., art. 4, sec. 1.

**Supplemental Petition.**

Supplemental referendum petition shall be examined by the clerk or registrar of voters, within **TEN DAYS** after the filing of the same. Const., art. 4, sec. 1.

Referendum petition must be submitted at the next succeeding general election subsequent to

**THIRTY DAYS** after the filing of the petition. Const., art. 4, sec. 1.

**Registry of marriage.** See **Marriage.**

**Rehearing.** See **Appeal from Superior Court.**

**Rejected claims.** See **Statute of Limitations.**

**Release of attachment.** See **Attachment.**

**Relief.** See **Opening Default.**

**Relief from forfeiture.** See **Unlawful Detainer.**

**Religious corporation.** See **Mortgage by Religious or Benevolent Corporation.**

**Remittitur.** See **Appeal from Superior Court.**

**Removal of disability.** See **Statute of Limitations.**

**Removal of guardian.** See **Guardianship.**

## **REMOVAL OF TRIAL.**

### **Service of Application.**

Application for removal of the trial must be served upon the District Attorney at least **ONE DAY** prior to the hearing. P. C. 1034.

### **Transfer of Custody of Defendant.**

Where defendant is imprisoned at the time the application for removal is granted, the sheriff must remove him to the custody of the sheriff of the county to which the action is removed **FORTHWITH.** P. C. 1037.

**Removal of trial.** See **Change of Place of Trial.**

**Renewal of execution.** See **Execution.**

**Rents.** See **Execution Sales.**

**Rents, action for accounting.** See **Redemption.**

**Rent, when payable.** See **Tenancy.**

**Renunciation of right to letters testamentary.** See **Executors.**

**Replevin.** See **Claim and Delivery.**

**Replevin.** See **Statute of Limitations.**

**Reply brief.** See **Appeal from Superior Court.**

**Reply brief in criminal cases.** See **Appeal from Superior Court in Criminal Cases.**

**Report of appraisers.** See **Probate Homestead.**

**Report of commissioner.** See **Foreclosure (of Mortgages).**

**Report of probation officer.** See **Probation.**

**Request for special notice.** See **Administrators.**

**Request for special notice.** See **Guardianship.**

**Re-redemption.** See Redemption.

**Resale.** See Probate Sale.

**Residence.** See Sole Traders.

**Resignation of trustees.** See Trustees.

### **RESTORATION OF COURT RECORDS.**

#### **Notice.**

Restoration of court records may be made

**UPON NOTICE**, as provided in sections 1010 and 1017 inclusive of the Code of Civil Procedure. Stats. 1906, p. 76, sec. 2.

### **RESTORATION OF RECORDS—CORPORATE.**

#### **Hearing.**

On petition for restoration of lost records of a corporation, the time and place of hearing must not be less than

**TWENTY-FIVE** nor more than **THIRTY DAYS** from the completion of publication of notice. C. C. 365.

#### **Publication of Notice of Hearing.**

Notice of such hearing must be published daily for

**THREE** successive **WEEKS**, or if there is no daily paper, **ONCE** a **WEEK** for **THREE** successive weeks in a weekly newspaper. C. C. 365.

#### **Service of Notice.**

Copy of notice must be served personally, or where place of business or residence is unknown, mailed to the county seat

within **FORTY-EIGHT HOURS** after filing the petition. C. C. 365.

#### **Mailing Notice to Stockholders.**

Copy must be mailed to stockholders and the persons affected, whose place of business or place of residence are known,

within **FORTY-EIGHT HOURS** after the filing of the petition. C. C. 365.

**Restoration of title.** See McEnerney Actions.

**Restraining order.** See Injunction.

**Retaxing costs.** See Costs.

**Return of execution.** See Execution.

**Return of sale.** See Probate Sales.

**Return of sale.** See Revocation of Letters.

**Return of summons against joint debtor.** See Summons.

**Return on attachment.** See Attachment.

**Reversal of judgment, new action after.** See Statute of Limitations.

**Review of corporate elections.** See Elections (Corporate).

**For Failure to File Inventory.**

The court may revoke the letters of executor or administrator for failure to file inventory in time

**UPON NOTICE.** C. C. P. 1450.

**For Failure to Give Notice to Creditors.**

If executor or administrator neglects to give notice to creditors

for **TWO MONTHS** after his appointment, the court must revoke his letters. C. C. P. 1511.

**For Failure to Return Sale.**

Letters of administrator or executor may be revoked for neglect to make return of sale or attachment may issue

on **ONE DAY'S** notice. C. C. P. 1575.

**For Contempt.**

Letters of an Administrator or guardian committed for contempt may be revoked

**WITHOUT NOTICE** where he remains in custody for **THIRTY DAYS** without obeying the order. C. C. P. 1721.

Revocation of letters for failure to account. See **Accounts Probate.**

Right to convey. See **Damages.**

Riot, damage by. See **Statute of Limitations.**

Ruling after judgment. See **Bill of Exceptions.**

Salary of judge. See **Decision.**

Sale by commissioners. See **Foreclosure (of Mortgages).**

Sale by guardian. See **Guardian's Sales.**

Sale by holder of special lien. See **Special Liens.**

Sale by pledgee. See **Pledgee's Sale.**

Sale in bulk. See **Stock in Trade.**

Sale in partition. See **Partition Sales.**

Sale of escheated estates. See **Escheated Estates.**

Sale of personal property. See **Execution Sales.**

Sale of unclaimed property. See **Unclaimed Property.**

Sale to satisfy lien on animal. See **Liens on Animals.**

Sale under execution. See **Execution Sales.**

Savings and loan associations. See **Dismissal.**

**SEARCH-WARRANT.**

**Service.**

Search-warrant must be served in the daytime, unless the magistrate insert direction that it be served

at any time of the day or night. P. C. 1503.



**Execution and Return.**

Search-warrant must be executed and returned within **TEN DAYS** after its date. P. C. 1534.

**Inventory.**

Inventory of the property taken under a search-warrant must be returned forthwith. P. C. 1537.

**Security for costs. See Costs.**

**Security to pay costs. See Malicious Prosecution.**

**Seduction. See Statute of Limitations.**

**Seisin. See Adverse Possession.**

**Seisin. See Damages.**

**SENTENCE.****In Criminal Cases.**

After a plea or verdict of guilty, the court must appoint a time for pronouncing judgment, which must not be less than

**TWO** nor more than **FIVE DAYS** after the verdict or plea, provided the court may extend the time not more than **TEN DAYS** for the purpose of hearing and determining any motion for a new trial, or in arrest of judgment, and not more than **TWENTY DAYS** where the question of probation is considered, and if there is reasonable ground for believing defendant insane, until the question of insanity has been heard and determined. P. C. 1191.

**Statement of Views.**

The judge and district attorney must file with the clerk of the court a brief statement of their views respecting the person convicted, and the crime committed

within **THIRTY DAYS** after judgment has been pronounced. P. C. 1192a.

**Filing Testimony.**

A copy of the testimony taken by the court for the purpose of determining the proper punishment must be filed with the clerk and mailed to the warden

within **THIRTY DAYS** after judgment has been pronounced. P. C. 1192a.

**Arrest of Defaulting Defendant.**

Where defendant fails to appear for judgment, the court may direct the clerk to issue a bench warrant for his arrest, and the clerk, on the application of the district attorney, may issue the same

**ANY TIME THEREAFTER.** P. C. 1195, 1196.

**Remission in Justice's or Police Court.**

After conviction judgment must be rendered within not more than

**TWO DAYS**, nor less than **SIX HOURS** after the verdict, unless defendant waive the postponement. P. C. 1449.

**Sentence, suspension of.** See Probation.

**Service of notices.** See Notices.

**SERVICE OF PROCESS.****Exemption of Members of Legislature.**

Members of the legislature are exempt from civil process for

**FIFTEEN DAYS** subsequent and prior to the commencement of each session. Const., art. 4, sec. 11.

**Upon Insurance Commissioner.**

Where notice, summons or process is served upon the Insurance Commissioner, the service is complete at the end of

**SIXTY DAYS** after the delivery to the Insurance Commissioner. Pol. C. 616.

**Insurance Commissioner to Transmit Copy.**

When service of notice, proof of loss, summons, or other legal process is made upon the Insurance Commissioner, he must transmit a copy thereof to the company at its home office

within **TEN DAYS** thereafter. Pol. C. 616.

**Service of process.** See Claim and Delivery.

**Service of summons.** See Summons.

**Services.** See Preferred Claims.

**Sessions of legislature.** See Legislature.

**Settlement of bill of exceptions in criminal cases.** See Appeal from Superior Court in Criminal Cases.

**Sheriff, action against.** See Statute of Limitations.

**SHERIFF'S DEED.****To Redemptioner.**

Where property has been sold under execution sale and redeemed by the redemptioner, and no subsequent redemption has been made, he is entitled to the sheriff's deed, provided

**SIXTY DAYS** have elapsed since his redemption, and **TWELVE MONTHS** since the sale. C. C. P. 703.

**Sheriff's deed.** See Execution Sales.

**Sheriff's liability for escape.** See Arrest and Bail.

**Slander.** See Statute of Limitations.

**SOLE TRADER.****Residence.**

Application of married woman to become sole trader must be made to the Superior Court in the county in which she has resided

for **SIX MONTHS** next preceding the application. C. C. P. 1811.

**Notice of Intention.**

Notice of intention to make application to become a sole trader must be published

**ONCE A WEEK** for **FOUR SUCCESSIVE WEEKS**. C. C. P. 1812.

**Filing Petition.**

Petition to become a sole trader must be filed

**TEN DAYS** prior to the day named in the notice of intention. C. C. P. 1813.

**Opposition to Application.**

Opposition to an application for sole tradership may be filed

**AT ANY TIME** prior to the day named in the notice. C. C. P. 1815.

**SPECIAL ADMINISTRATORS.****Appointment.**

Appointment of special administrator may be made

**AT ANY TIME** and without notice. C. C. P. 1412.

**SPECIAL LIENS.****Sale.**

Persons holding special liens upon personal property may sell said property if the amount due be not paid

within **TWENTY DAYS** after the same shall become due. C. C. 2052.

**Notice of Sale.**

Such lienholder must give at least ten days' previous notice by advertising, or if no newspaper, by posting

for **TEN DAYS**. C. C. 3052.

**Special notice.** See Guardianship.

**Special order made after final judgment, appeal from.** See Appeal from Superior Court.

**Special session.** See Election Contests.

**Specific performance.** See Statute of Limitations.

**State, actions by.** See Statute of Limitations.

**State hospital.** See Statute of Limitations.

**State lands.** See Foreclosure (of Delinquent Purchasers of State Lands).

**Statement of account.** See Accounts, Probate.

**Statement of date of publication.** See Notice to Creditors.

**Statement of facts.** See Pardon.

**Statement of rents.** See Redemption.

**Statement of views.** See Sentence.

**Statement on appeal.** See Appeal from Superior Court.

**Statement on appeal from motion for new trial on minutes.** See Appeal from Superior Court.

**Statement on appeal in criminal cases.** See Appeal to Superior Court, Criminal Cases.

**Statement on appeal on questions of law.** See Appeal to Superior Court.

**Statement on motion for a new trial.** See New Trial.

### STATUTE OF LIMITATIONS.

#### **Real Property—Suit by State.**

The people of the state will not sue in respect to real property, by reason of the right or title of the people to the same, unless such right or title shall have accrued

within **TEN YEARS** before any action or proceeding for the same is commenced, or the people or those from whom they claim shall have received the rents and profits of such real property, or some part thereof, within **TEN YEARS**. C. C. P. 315.

#### **Real Property—Void Letters Patent or Grants.**

When letters patent or grants of real property issued or made by the people of the state are declared void by the determination of a competent court, action for the recovery of the property may be brought by the people, or subsequent patentees or grantees of the property, their heirs or assigns,

within **FIVE YEARS** after such determination, but not after that period. C. C. P. 317.

#### **Real Property, Removal of Disability.**

Where time to commence or defend an action or make entry is extended by reason of disability of a party at the time title accrues, the action must be commenced or entry or defense made

within **FIVE YEARS** after the disability ceases. C. C. P. 328.

**Real Property, Death of Person Under Disability.**

Where person is under disability at the time title accrues, and dies while under disability, action in respect to real property on entry thereon or defense thereto, must be commenced or made

within **FIVE YEARS** after death of the person under such disability. C. C. P. 328.

**Real Property—Disability of Minor, Insane Person or Convict.**

Where time to commence or defend an action in respect to real property or make an entry is extended by reason of disability of the party at the time title accrues, the period of disability may not exceed

**TWENTY YEARS.** C. C. P. 328.

**Judgment—Decree.**

Action upon a judgment or decree of any court of the United States, or of any state, must be brought

within **FIVE YEARS.** C. C. P. 336, subd. 1.

**Mesne Profits of Real Property.**

An action for the recovery of mesne profits of real property must be brought

within **FIVE YEARS.** C. C. P. 336, subd. 2.

**Written Instrument—Contract—Obligation—Liability.**

Action upon any contract, obligation or liability founded upon an instrument in writing executed within this state, must be brought

within **FOUR YEARS** from the time when the cause of action accrued. C. C. P. 337, subd. 1.

**Balance of Account.**

An action to recover a balance upon a mutual, open and current account, must be brought

within **FOUR YEARS** from the time of the last item proved in the account on either side. C. C. P. 337, subd. 2, 344.

**Liability Created by Statute.**

An action upon a liability created by statute, other than a penalty or forfeiture, must be brought

within **THREE YEARS** from the time when the cause of action accrued. C. C. P. 338, subd. 1.

**Book Accounts.**

An action to recover a balance upon an open book account must be brought

within **FOUR YEARS.** C. C. P. 337, subd. 2.

**Trespass—Real Property.**

An action for trespass upon real property must be brought

within **THREE YEARS** from the time when the cause of action accrued. C. C. P. 338, subd. 2.

**Trespass—Replevin—Personal Property.**

An action for **taking, detaining or injuring goods and chattels, or for specific recovery of personal property**, must be brought

within **THREE YEARS** from the time when the cause of action accrued. C. C. P. 338, subd. 3.

**Conversion.**

Action for damages for **conversion of personal property** must be brought

within **THREE YEARS** from the time the cause of action accrued. C. C. P. 338, subd. 3.

**Fraud.**

Action for relief on the ground of **fraud** must be brought

within **THREE YEARS** after the **discovery** of the facts constituting the fraud. C. C. P. 338, subd. 4.

**Mistake.**

Action for relief on the ground of **mistake** must be brought

within **THREE YEARS** after the **discovery** of the facts constituting the mistake. C. C. P. 339, subd. 4.

**Contract—Obligation—Liability—Not in Writing.**

Action upon a **contract, obligation or liability not founded on an instrument in writing**, must be brought

within **TWO YEARS** from the time the cause of action accrued. C. C. P. 339, subd. 1.

**Instrument Executed Out of the State.**

An action upon an **instrument in writing executed out of the State** must be commenced

within **TWO YEARS** from the time the cause of action accrued. C. C. P. 339, subd. 1.

**Action Against Sheriff for Money Collected on Execution.**

An action against a **sheriff** for the nonpayment of money collected upon an execution must be commenced

within **TWO YEARS** from the time when the cause of action arose. C. C. P. 339, subd. 2.

**Action Against Coroner for Money Collected on Execution.**

An action against a **coroner** for the nonpayment of money collected upon an execution must be commenced

within **TWO YEARS** from the time when the cause of action arose. C. C. P. 339, subd. 2.

**Action Against Sheriff.**

An **action against a sheriff** upon a liability incurred by doing an act in his official capacity, or by omission of an official duty, except an action for an escape, must be commenced

within **TWO YEARS** from the time when the cause of action arose. C. C. P. 339, subd. 2.

**Action Against Coroner.**

An action against a **coroner** upon a liability incurred by doing an act in his official capacity, or by omission of an official duty, must be commenced

within **TWO YEARS** from the time when the cause of action arose. C. C. P. 339, subd. 2.

**Action Against Constable.**

An action against a **constable** upon a liability incurred by doing an act in his official capacity, or by omission of an official duty, except an action for an escape, must be commenced

within **TWO YEARS** from the time when the cause of action arose. C. C. P. 339, subd. 2.

**Money Collected on Execution.**

An action against a **constable** for the nonpayment of money collected upon an execution must be commenced

within **TWO YEARS** from the time when the cause of action arose. C. C. P. 339, subd. 2.

**Penalty or Forfeiture.**

An action for a **statutory penalty or forfeiture accruing to an individual, or to an individual and the State**, must, unless otherwise prescribed, be commenced

within **ONE YEAR** from the date when the cause of action accrued. C. C. P. 340, subd. 1.

**Forfeiture to State—Ball Bond—Undertaking in a Criminal Action.**

An action upon a suit for a **forfeiture or penalty to the people of the state** must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 2.

**Undertaking in Criminal Actions.**

An action upon an **undertaking in a criminal action** must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 2.

**Libel.**

An action for **libel** must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Slander.**

An action for **slander** must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Death by Wrongful Act.**

An action for **death caused to one by the wrongful act of another** must be commenced

within **ONE YEAR** from the time the cause of action accrued. C. C. P. 340, subd. 3.

**Death by Negligence.**

An action for death caused to one by the negligence of another must be commenced

within **ONE YEAR** from the time the cause of action accrued. C. C. P. 340, subd. 3.

**Injury by Negligence.**

An action for injury caused to one by the negligence of another must be commenced

within **ONE YEAR** from the time the cause of action accrued. C. C. P. 340, subd. 3.

**Assault.**

An action for assault must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Battery.**

An action for battery must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**False Imprisonment.**

An action for false imprisonment must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Seduction.**

An action for seduction must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Injury by Wrongful Act.**

An action for injury caused to one by the wrongful act of another must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Depositor Against Bank on Forged or Raised Check.**

An action against a bank by a depositor for the payment of a forged or raised check must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 3.

**Escape.**

An action against a sheriff or other officer for the escape of a prisoner, arrested or imprisoned on civil process, must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 4.

**Municipal Corporation—Damage to Property by Mob or Riot.**

An action against a municipal corporation for damages or injuries to property caused by a mob or riot must be commenced

within **ONE YEAR** from the time when the cause of action accrued. C. C. P. 340, subd. 5.



**Tax Collector—Replevin—Conversion.**

An action against an officer to recover property seized by such officer in his official capacity as tax collector, or the price or value thereof, or damages for the seizure, detention, sale of or injury to property seized or for damages to personal property in making such seizure, must be commenced

within **SIX MONTHS** from the time when the cause of action accrued. C. C. P. 341, subd. 1.

**Stock Sold for Delinquent Assessment.**

An action to recover stock sold for a delinquent assessment, as provided in section 347 of the Code of Civil Procedure, must be commenced within

**SIX MONTHS** from the time when the cause of action accrued. C. C. P. 341, subd. 2.

**Claims Against a County.**

An action against a county on a claim rejected by the board of supervisors must be commenced

within **SIX MONTHS** after the first rejection thereof by said board. C. C. P. 342.

**Relief not Otherwise Provided.**

An action for relief not otherwise specially provided for must be commenced

within **FOUR YEARS** after the cause of action accrued. C. C. P. 343.

**Action by the State.**

Actions brought in the name of the state, or for the benefit of the state, must be brought

within the **SAME TIME** as actions by private parties, unless otherwise provided. C. C. P. 345.

**Patients at State Hospital.**

An action for the recovery of money due on account of the presence of patients at state hospitals must be commenced

within **THREE YEARS** after the cause of action accrued. C. C. P. 345.

**Action to Redeem Mortgage.**

An action to redeem a mortgage of real property may be brought against the mortgagee in possession, or those claiming under him, unless he or they have continuously maintained an adverse possession of the mortgaged premises

for **FIVE YEARS** after breach of some condition of the mortgage. C. C. P. 346.

**Action for Recovery of Stock.**

Action to recover stock sold for delinquent assessments, upon the ground of irregularity in the assessment, irregularity or defect of the notice of sale, or defect or irregularity in the sale, must be commenced and summons issued

within **SIX MONTHS** after such sale was made. C. C. 347.

**Deposit With Bank.**

To an action brought to recover money or other property deposited with any bank, trust company or savings and loan society,

there is no limitation. C. C. P. 348.

**Action Under "Local Improvement Act of 1901."**

An action to contest an assessment levied under the terms of the "Local Improvement Act" must be commenced

within **THIRTY DAYS** after the entry upon the minutes of the legislative body of the municipality of the resolution provided for in section 87, Local Improvement Act. C. C. P. 349. See sec. 352.

**Death of Party—Action by Representatives.**

If a person who is entitled to bring an action die before the expiration of the time limited for the commencement thereof, and the cause of action survive, the action may be commenced by his representatives

after the expiration of that time and within **SIX MONTHS** from his death. C. C. P. 353.

**Death of Party—Action Against Representatives.**

If a person against whom an action may be brought die before the expiration of the time limited for the commencement thereof, and the cause of action survive, an action may be commenced against his representatives

after the expiration of that time, and within **ONE YEAR** after the issuing of letters testamentary or of administration. C. C. P. 353.

**New Action Where Judgment Reversed.**

If an action is commenced within the time prescribed therefor, and a judgment therein for the plaintiff be reversed on appeal, the plaintiff may commence a new action

within **ONE YEAR** after the reversal. C. C. P. 355.

**Where Judgment Reversed—Action by Representatives.**

If an action is commenced within the time prescribed therefor, and a judgment therein for the plaintiff be re-

versed on appeal, and the plaintiff die, and the cause of action survive, his representatives may commence a new action

within **ONE YEAR** after the reversal. C. C. P. 355, 356.

#### **Actions Against Directors.**

Actions against directors of a corporation to recover a penalty or forfeiture imposed, or to enforce a liability created by law, must be brought

within **THREE YEARS** after the discovery by the aggrieved party of the facts upon which the penalty or forfeiture attached or liability was created. C. C. P. 359.

#### **Actions Against Stockholders.**

Actions against stockholders of a corporation to recover a penalty or forfeiture imposed, or to enforce a liability created by law, must be brought

within **THREE YEARS** after the discovery by the aggrieved party of the facts upon which the penalty or forfeiture attached or liability was created. C. C. P. 359-361.

#### **Action by Taxpayers for Injunction.**

An action to obtain a judgment restraining and preventing any illegal expenditure of, waste of, or injury to property of a county, town, city, city and county, when brought by a citizen resident who has paid a tax thereon, must be brought

within **ONE YEAR** after the payment of the taxes. C. C. P. 526a, 527.

#### **Proceedings to Contest an Election.**

Proceedings to contest an election, except on the ground of bribery, must be brought

within **THIRTY DAYS** after the declaration of the result of the election. C. C. P. 1115.

#### **Proceedings to Contest Election on Ground of Bribery.**

Proceedings to contest an election on the ground of bribery must be brought

within **SIX MONTHS** after the declaration of the result of the election. C. C. P. 1115.

#### **Election Contests in Case of Tie Vote.**

In case of tie vote, contest must be commenced

within **TWENTY DAYS** after declaration of the vote by the canvassing board. C. C. P. 1124.

#### **Foreclosure of Mechanics' Liens—Giving Credit.**

Giving credit cannot extend the time to commence foreclosure proceedings on a mechanic's lien longer than

**ONE YEAR** from the time the work is completed. C. C. P. 1190.

**For Recovery of Preferred Claim in Attachment or Execution.**

Where claim for wages in attachment or execution proceeding is disputed, action to recover the demand must be commenced

within **TEN DAYS** after denial. C. C. P. 1206.

**Rejected Claims in Probate.**

Suit must be brought on a rejected claim

within **THREE MONTHS** after service of notice of rejection if the claim be then due, otherwise within **TWO MONTHS** after it becomes due. C. C. P. 1498.

**Action to Set Aside Probate Sale.**

An action to recover an estate sold by executor or administrator at probate sale must be brought

within **THREE YEARS** next after the settlement of the final account. C. C. P. 1573.

**Action to Set Aside Probate Sale.**

An action to set aside a probate sale instituted at any time

within **THREE YEARS** from the discovery of the fraud or other grounds upon which the action is brought; or if the plaintiff is under disability when the right of action accrues, then **THREE YEARS** after the disability. C. C. P. 1573, 1574.

**Specific Performance—Probate.**

Where petition to a probate court to compel a conveyance is dismissed, suit for specific performance may be commenced

within **SIX MONTHS** thereafter. C. C. P. 1602.

**Action on Guardian's Bond.**

Action on guardian's bond must be commenced

within **THREE YEARS** from the discharge or removal of guardian, or after removal of the disability of the party suing. C. C. P. 1805.

**Action for Recovery of Estate Sold by Guardian.**

Action for the recovery of any estate sold by guardian must be commenced

within **THREE YEARS** after the termination of the guardianship, or from the removal of the disability of the party suing. C. C. P. 1806.

**Annulment of Marriage for Nonage.**

Action for may be brought on the ground of nonage of contracting party by the party to the marriage who was married under the age of legal consent

within **FOUR YEARS** after arriving at the age of consent. C. C. 83, subd. 1.

**Annulment of Marriage for Nonage, Action by Guardian.**

Action on grounds of nonage may be brought by a parent, guardian or other person having charge of such nonage male or female,

at any time before such married minor has arrived at the age of legal consent. C. C. 83, subd. 1.

**Annulment of Marriage for Bigamy.**

Action on ground of former spouse living may be brought by such former husband or wife, or by either party during

the life of the other. C. C. 83, subd. 2.

**Annulment of Marriage for Insanity.**

Action on the ground that either party was of unsound mind may be brought by the party injured, or relative or guardian of the party of unsound mind,

at any time before the death of either party. C. C. 83, subd. 3.

**Annulment of Marriage for Fraud.**

Action on the ground that consent to the marriage was obtained by fraud may be brought by the party injured,

within **FOUR YEARS** after the discovery of the facts constituting the fraud. C. C. 83, subd. 4.

**Annulment—Where Marriage Obtained by Force.**

Action on the ground that consent to marriage was obtained by force may be brought by the injured party,

within **FOUR YEARS** after the marriage. C. C. 83, subd. 5.

**Annulment—Physical Incompetence.**

Action on the ground that party was physically incapable may be brought by the injured party,

within **FOUR YEARS** after the marriage. C. C. 83, subd. 6.

**Divorce for Adultery.**

When the cause is adultery the action must be commenced

within **TWO YEARS** after the commission of the act of adultery, or after its discovery by the injured party. C. C. 124, subd. 1.

**Divorce for Felony.**

When the cause is conviction of felony, the action must be commenced before the

expiration of **TWO YEARS** after a pardon, or the termination of the period of sentence. C. C. 124, subd. 2.

**Divorce in Other Cases.**

In all other cases the action is barred when there is

an unreasonable lapse of time **BEFORE THE COMMENCEMENT OF THE ACTION.** C. C. 124, subd. 3.

**Articles of Covenant.**

during the minority of the apprentice or may be commenced by him in his own name at any time within **TWO YEARS** after his coming of age. C. C. 273.

**Apprentice, Thirty Days.**

within **Thirty Days** from the time such labor is completed. C. C. 3065.

**Appropriation of Public Moneys or Falsification of Public Records.**

no limit. P. C. 799.

**False Oath.**

within **THREE YEARS** after its commission. P. C. 800.

**False Oath.**

within **ONE YEAR** after its commission. P. C. 801.

**Appropriation of Public Moneys. See Excheated Estates.****STATUTES.****Legislation, Governor.**

**TEN DAYS** after it shall have been presented to him, the same shall become a law, unless the legislature prevents such return, in which case it shall become a law, unless the governor within **THIRTY DAYS** after such adjournment signs the same.

**Legislation, Governor.**

within **TEN DAYS** thereby becomes a law. Pol. C. 313.

**When Effective.**

Every statute, unless a different time is prescribed therein, takes effect on the **SIXTIETH DAY** after its passage. Pol. C. 323.

**Statutes.** See Initiative.

**Statutes.** See Referendum.

**Stay of execution.** See Execution.

**Stay of proceedings.** See Mandamus.

**Stay of proceedings in certiorari.** See Certiorari.

**Stay of proceedings in procedendo.** See Procedendo.

**Stay of proceedings in prohibition.** See Prohibition.

**Stock.** See Diminution of Capital Stock.

**Stock.** See Proxies.

**Stock, action for recovery.** See Statute of Limitations.

**Stockholders' liability.** See Statute of Limitations.

**Stockholders' meeting.** See Diminution of Capital Stock.

**Stockholders' meeting to adopt by-laws.** See By-laws.

**Stockholders' meeting to consider question of capital stock.** See Banks.

**Stockholders' meeting to create bonded indebtedness.** See Creation of Bonded Indebtedness.

**STOCK IN TRADE.****Notice of Intention to Sell.**

Notice of intention to sell, transfer or assign stock in trade in bulk, must be filed **FIVE DAYS** before the sale. C. C. 3440.

**STOLEN PROPERTY.****Delivery to County Treasurer.**

Property stolen or embezzled must be delivered to the county treasurer and sold, if not claimed by the owner, before the expiration of **SIX MONTHS** from the conviction of the person for stealing or embezzling. P. C. 1411.

**Subcontractors' liens.** See Mechanics' Liens.

**Subletting.** See Unlawful Detainer.

**Subpoena.** See Depositions.

**Substituted bail.** See Arrest and Bail.

**Succession.** See Aliens.

**SUMMONS.****Service by Publication on Defendant Without the State.**

Publication against a defendant residing out of the state, or absent therefrom, must be not less than **TWO MONTHS.** C. C. P. 413.

**Service by Publication, How Often.**

Publication of summons must be for such length of time as may be deemed reasonable at least **ONCE A WEEK**. C. C. P. 413

**Posting in Actions to Determine Adverse Claims.**

In actions to determine adverse claims to real property, a copy of the summons must be posted on the property within **THIRTY DAYS** after issuance of the summons. C. C. P. 750.

**Publication in Actions to Determine Adverse Claims—Publication of Summons.**

Publication of summons in actions to determine adverse claims to real property must be once a week for **TWO successive months**. C. C. P. 750.

**Justice's Court—Issuance.**

Summons must issue within **ONE YEAR** after the filing of the complaint. C. C. P. 840.

**Justice's Court—Waiver.**

Defendant may waive issuance of summons **AT ANY TIME** after complaint filed. C. C. P. 841.

**In Civil Actions in Police Court—Issuance and Return.**

Summons in civil actions in police courts must be issued immediately after filing the complaint, and must be returnable at any time designated. not exceeding **FOUR DAYS** from the date of its issuance. C. C. P. 930.

**Against Joint Debtor—When Returnable.**

Summons against joint debtor must be returnable **WITHIN THE SAME TIME** as original summons. C. C. P. 990.

**In Unlawful Detainer.**

Summons in unlawful detainer must require the defendant to appear and answer within **THREE DAYS** after the service of the summons upon him. C. C. P. 1167.

**Against Corporation in Criminal Case—Appearance.**

Upon an information or presentment against a corporation, the summons must require the corporation to appear at a time not less than **TEN DAYS** after the issuance of the summons. P. C. 1390.

**Against Corporation in Criminal Case—Service.**

Said summons must be served at least **FIVE DAYS** before the day of appearance. P. C. 1392.



**In Police Court Against Corporation.**

Summons against a corporation upon complaint in the police court must require it to appear and answer at a time not less than

**TEN DAYS** after the issuing of the summons, and must be served **FIVE DAYS** before the day of appearance. P. C. 1427, 1390, 1392.

**Summons.** See **Alias Summons.**

**Summons.** See **Appearance.**

**Summons.** See **Foreclosure (of Delinquent Purchasers of State Lands).**

**Summons.** See **Opening Default.**

**Summons, dismissal for nonissuance.** See **Dismissal.**

**Summons, dismissal for nonservice.** See **Dismissal.**

**Summons in actions to determine adverse claims.** See **Actions to Determine Adverse Claims.**

**Summons in McEnerney actions.** See **McEnerney Actions.**

**Summons on cross-complaint.** See **Cross-complaint.**

**Supplemental pleadings to enforce judgment.** See **Judgment.**

**SUPPLEMENTARY PROCEEDINGS.****Order of Examination After Execution Returned.**

Order of examination of judgment debtor may be made

at any time after return **OF EXECUTION UNSATISFIED IN WHOLE OR IN PART.** C. C. P. 714.

**Order of Examination on Affidavit.**

Order of examination of judgment debtor may be made on proof by affidavit that the debtor has property which he unjustly refuses to apply to the satisfaction of the judgment.

**AFTER ISSUING EXECUTION.** C. C. P. 714.

**Order of Examination of Debtor of Judgment Debtor, etc.**

Order of examination of debtor of judgment debtor may be made

after the issuing or return of the execution. C. C. P. 717.

**Support of prisoner.** See **Arrest and Bail.**

**Supreme Court.** See **Calendar.**

**SURETIES.****Notice to Executor or Administrator to Appear at Hearing of Citation to Sureties.**

Notice to an executor or administrator to appear at the hearing of a citation to sureties, where insufficient, must be issued

**AT THE SAME TIME** as the citation to the sureties. C. C. P. 1394.

trator to give further security must be served day. C. C. P. 1398.

**Citation to Executor or Administrator to Give Further Security.**

An order requiring an executor or administrator to give further security, or file a new bond, must allow him a reasonable time not less than **FIVE DAYS**. C. C. P. 1399.

**Where Corporate Surety's Liabilities Exceed Assets.**

Whenever the liabilities of a corporate surety exceeds its assets, the insurance commissioner shall require the deficiency to be paid up in **SIXTY DAYS**, and if not so paid, a certificate showing the deficiency shall be published **ONCE A WEEK** for **THREE WEEKS**. C. C. P. 1056.

**Filing New Undertaking Where Surety has Become Insufficient.**

Whenever any surety upon an undertaking has become insufficient, the court may order a new undertaking in lieu thereof **UPON NOTICE**. C. C. P. 1057.

**Sureties, judgment against.** See Judgment.

**Surprise.** See Opening Default.

**Surrender by bail.** See Bail.

**Surrender of defendant by bail.** See Arrest and Bail.

**Suspension of officer.** See Accusation Against Officer.

**SUSPENSION OF SENTENCE.**

**Commitment to Institution.**

Where judgment is suspended on conviction of a minor, the court or judge may commit such minor to the custody of the officers or managers of any strictly nonsectarian charitable corporation, conducted for the purpose of reclaiming such minors, for a period of **TWO MONTHS**, to be further extended by the court or judge, should it be deemed advisable. P. C. 1388.

**Suspension of sentence.** See Probation.

**Taking defendant before magistrate.** See Arrest.

**Tax collector, action against.** See Statute of Limitations.

**Taxpayer, action by.** See Statute of Limitations.

**Temporary restraining order.** See Injunction.

**TENANCY.****Presumed Monthly.**

Hiring of lodgings or dwelling-house, in the absence of any agreement respecting the length of time, or the rent,

is presumed to be **MONTHLY**. C. C. 1944.

**Holding Over.**

Where lessee holds over and lessor accepts rent, the hiring is presumed renewed on the same terms and for the same time,

not exceeding **ONE MONTH**, when the rent is payable monthly, nor in any case one year. C. C. 1945.

**Rent, When Payable.**

In the absence of usage or contract to the contrary, rents are payable at the termination of the holding,

when it does not exceed **ONE YEAR**. C. C. 1947.

**Rent, When Payable.**

If holding is by the day, week, month, quarter or year, rent is payable

at the termination of the respective periods. C. C. 1947.

**Notice to Landlord of Proceedings.**

A tenant who receives notice of any proceeding to recover real property occupied by him, or the possession thereof,

must inform his landlord of the same immediately. C. C. 1949.

**Tenancy. See Landlord and Tenant.**

**Tenancy at will. See Landlord and Tenant.**

**Tenancy at will. See Unlawful Detainer.**

**Tenant of agricultural lands. See Unlawful Detainer.**

**TERMINATION OF LIFE ESTATE.****Petition for Termination.**

Petition for termination of life estate must be heard

upon such notice by publication or otherwise as the court may order. C. C. P. 1723.

**Termination of tenancy. See Landlord and Tenant.**

**TESTIMONY.****Filing Copy.**

Copy of testimony taken before the grand jury must be filed with the clerk

within **TEN DAYS** after the filing of the indictment and delivered to the defendant upon his arraignment. P. C. 925.

**Application to Take Testimony Conditionally, in Criminal Action.**

Application to take the testimony of a witness conditionally must be made upon **THREE DAYS'** notice to the opposite party. P. C. 1338.

**Testimony. See Sentence.**

**THIRD PARTY CLAIM.**

**On Attachment—Indemnity Against.**

Indemnity against a third party claim to property taken under attachment must be furnished the sheriff on **DEMAND.** C. C. P. 549, 689.

**Indemnity Against Third Party Claim.**

Where property levied upon is claimed by a third party, the judgment creditor must indemnify the sheriff against such claim on **DEMAND.** C. C. P. 689.

**Objections to Undertaking.**

A judgment creditor may object to the undertaking given to obtain release of property taken under execution, and claimed by other than the judgment debtor, within **TEN DAYS** after the service of a copy of the undertaking upon the judgment creditor, or his attorney. C. C. P. 711½.

**Justification of Sureties.**

Where the sureties on an undertaking given to secure the release of property taken under execution are objected to, they must justify upon **TEN DAYS'** notice to the judgment debtor, or his attorney. C. C. P. 712.

**Undertaking—Insufficient Estimate.**

Where objection is made to an undertaking given to secure the release of property taken under execution, on the ground that the estimate value is insufficient, the person giving the undertaking may move the court to estimate the market value upon **TEN DAYS'** notice to the judgment creditor. C. C. P. 712.

**Third party claim. See Claim and Delivery.**

**Threshers' lien. See Lien of Thresher.**

**Time, extensions of. See Extensions of Time.**

**TRADEMARK.****Recordation.**

Trademark must be recorded

within **THIRTY DAYS** after the commencement of the use thereof, or at any time before the filing of such trademark by any other person, firm or corporation. Pol. C. 3197.

**Transcript, correction of.** See Appeal from Superior Court in Criminal Cases.

**Transcription of notes on death or illness of reporter.** See Appeal from Superior Court in Criminal Cases.

**Transcript of judgment.** See Lien of Judgment.

**Transcript on appeal.** See Appeal from Superior Court.

**TRANSFER OF ACTION TO SUPERIOR COURT.****When Jurisdiction Attaches.**

In actions transferred to the Superior Court involving title or possession to real property, legality of any tax, impost, assessment, toll or municipal fine, jurisdiction of the Superior Court attaches

**FROM THE TIME OF FILING** the pleadings and transcript with the clerk of the Superior Court. C. C. P. 838.

**Transfer of custody.** See Removal of Trial.

**Transmission of record in criminal cases.** See Appeal from Superior Court in Criminal Cases.

**Transmission of records.** See Appeal to Superior Court.

**Trespass.** See Statute of Limitations.

**TRIAL.****Justice's Court, Notice of Trial.**

Notice of trial must be served

**FIVE DAYS** before the day set for trial, when personally served, and **TEN DAYS** when served by mail. C. C. P. 850.

**Justice's Court—One Hour Wait.**

Unless both parties have appeared, and the justice's presence is engaged in the trial of another case, a party need not wait longer

than **ONE HOUR** after the time fixed in the notice of hearing of trial. C. C. P. 850.

**Justice's Court—Commencement.**

Unless postponed, trial must commence

at the expiration of **ONE HOUR** from the time specified in the notice. C. C. P. 873.

**In Police Court.**

Civil actions in Police Courts must be tried

**IMMEDIATELY AFTER ANSWER.**  
C. C. P. 931.

**Preparation for in Criminal Cases.**

After plea the defendant is entitled to

at least **TWO DAYS** to prepare for trial. P. C. 1049.

**Trial. See Insane Persons.**

**Trial. See Mandamus.**

**Trial before referee, exceptions. See Bill of Exceptions.**

**Trial, notice of. See Notice of Trial.**

**Trustee for estate of missing person. See Estates of Missing Persons.**

**TRUSTEES.**

**Order to Account.**

Trustee must be ordered to appear and render account on application of beneficiary, where no account has been rendered

within **SIX MONTHS** prior to such application. C. C. P. 1699.

**Resignation.**

Resignation of trustee may be accepted upon notice by posting of not less than

**TEN DAYS.** C. C. P. 1702.

**Application to Appoint.**

Notice of application to appoint a trustee to fill a vacancy must be given by publication in a weekly newspaper, on at least

**THREE DIFFERENT DAYS** of publication, or if published oftener than once a week, so that there will be at least **TEN DAYS** from the first to the last day of publication, both days being included, or if there is no newspaper in the county, by posting at least **TEN DAYS** before the hearing. C. C. P. 1702.

**Tunnel location. See Mining.**

**UNCLAIMED BAGGAGE.**

**Sale by Innkeeper.**

Innkeeper may sell unclaimed baggage which has remained unclaimed for a

period of **SIX MONTHS.** C. C. 1862.

**Owner's Claim to Balance After Sale.**

Owner may claim balance of sale from the county

within **ONE YEAR** after its payment into the county treasury. C. C. 1862.

**Unclaimed baggage. See Unclaimed Property.**

**Unclaimed moneys in hands of public administrator. See Public Administrator.**

### **UNCLAIMED PROPERTY.**

#### **Notice of Sale.**

Notice of sale of unclaimed baggage must be published

**ONCE A WEEK** for **FOUR** successive weeks. C. C. 1862.

#### **Time of Sale.**

Sale of unclaimed baggage must not be made until

after expiration of **FOUR WEEKS** after the first publication of notice of sale. C. C. 1862.

#### **Payment of Balance into Treasury.**

Balance arising from such sale must be paid into the county treasury unless claimed by rightful owner

within **ONE WEEK** from the date of sale. C. C. 1862.

#### **Sale of.**

Unclaimed property may be sold to pay freight and charges by a common carrier, commission merchant, innkeeper or warehouseman

within **SIXTY DAYS** after the receipt thereof of said notice of sale, as is customary in sales of goods by auction at the place where said goods are held or stored. Pol. C. 3153.

#### **Disposition of Surplus.**

Surplus received on sale must be paid over to owner on demand at any time

within **SIXTY DAYS** after the sale. Pol. C. 3153.

#### **Payment of Balance into Treasury.**

The surplus must be paid to the county treasurer, subject to the order of the owner,

within **SIXTY DAYS** of the sale. Pol. C. 3154.

#### **In Hands of Probate Agent—Sale of.**

Where personal property remains in the hands of an agent appointed by the court, it may be sold

where unclaimed for **ONE YEAR**. C. C. P. 1693.

#### **Notice of Hearing Petition for Sale.**

Notice of hearing must not be

less than **TEN DAYS**. C. C. P. 1699.

**Undertaking for continuance. See Postponement.**

**Undertaking in action to set aside fraudulent conveyances. See Fraudulent Conveyances.**

**Undertaking in criminal action. See Statute of Limitations.**

**Undertaking on appeal. See Appeal from Superior Court.**

**Undertaking on appeal. See Appeal to Superior Court.**

Undertaking on appeal, judgment on. See Judgment.  
Undertaking on attachment. See Attachment.

## **UNDERTAKING TO KEEP THE PEACE.**

### **How Long Binding.**

Undertaking to keep the peace is **SIX MONTHS**. P. C. 706.  
binding for

## **UNLAWFUL DETAINER.**

### **When Notice to Quit may be Served.**

Notice to pay rent or quit may be served within **ONE YEAR** after the rent becomes due. C. C. P. 1161, subd. 2.

### **Holding Over by Tenant of Agricultural Land.**

Tenant of agricultural land who holds over after expiration of the term, without notice to quit, for **SIXTY DAYS** shall be entitled to hold for another full year. C. C. P. 1161, subd. 2.

### **Notice to Perform Conditions.**

Notice to perform conditions or covenants must be a **THREE DAYS'** notice. C. C. P. 1161, subd. 3.

### **Notice to Quit for Breach of Covenant Against Assigning.**

Notice to quit for breach of covenant against assigning, subletting or committing waste must be a **THREE DAYS'** notice. C. C. P. 1161, subd. 3.

### **Notice to Quit for Breach of Covenant Against Subletting.**

Notice to quit for breach of covenant against assigning, subletting or committing waste must be a **THREE DAYS'** notice. C. C. P. 1161, subd. 4.

### **Notice Terminating Tenancy at Will.**

Tenancy at will must first be terminated by **THIRTY DAYS'** notice. C. C. P. 1161; C. 789.

### **Notice to Quit After Default in Payment of Rent.**

After default in payment of rent **THREE DAYS'** notice must be served. C. C. P. 1161, subd. 2.

### **Possession, When a Bar.**

Quiet possession by defendant is a bar to proceedings which have continued for the space of **ONE WHOLE YEAR** next before the commencement of the proceedings. C. C. P. 1172.

### **Execution, Issuance of.**

In unlawful detainer after default in the payment of rent, where the lease has not expired, execution must not issue until **FIVE DAYS** after entry of judgment. C. C. P. 1174.



**Relief from Forfeiture.**

Relief against forfeiture may be granted by the court where application therefor is made within **THIRTY DAYS** after the forfeiture is declared by the judgment. C. C. P. 1179.

Unlawful detainer. See **Forcible Detainer**.

Unlawful detainer. See **Forcible Entry**.

Unlawful detainer. See **Summons**.

Unlawful detainer, answer in. See **Answer**.

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Vacating default. See **Opening Default**.

Vacating judgment. See **Motion to Vacate Judgment and Enter a Different Judgment**.

Vacating office. See **Judgment**.

Validating defective acknowledgments. See **Acknowledgments**.

**VERDICT.****Entry.**

Entry of verdict must be made **UPON RECEIPT** thereof. C. C. P. 628.

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Witness. See **Testimony**.

## **WRITING.**

**Notice to Produce.**

**Notice to adverse party to produce a REASONABLE NOTICE. C. C. P.**  
**writing in his custody must be 1938.**

**Writing. See Copy of Account.**

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**Writing. See Inspection of Writing.**

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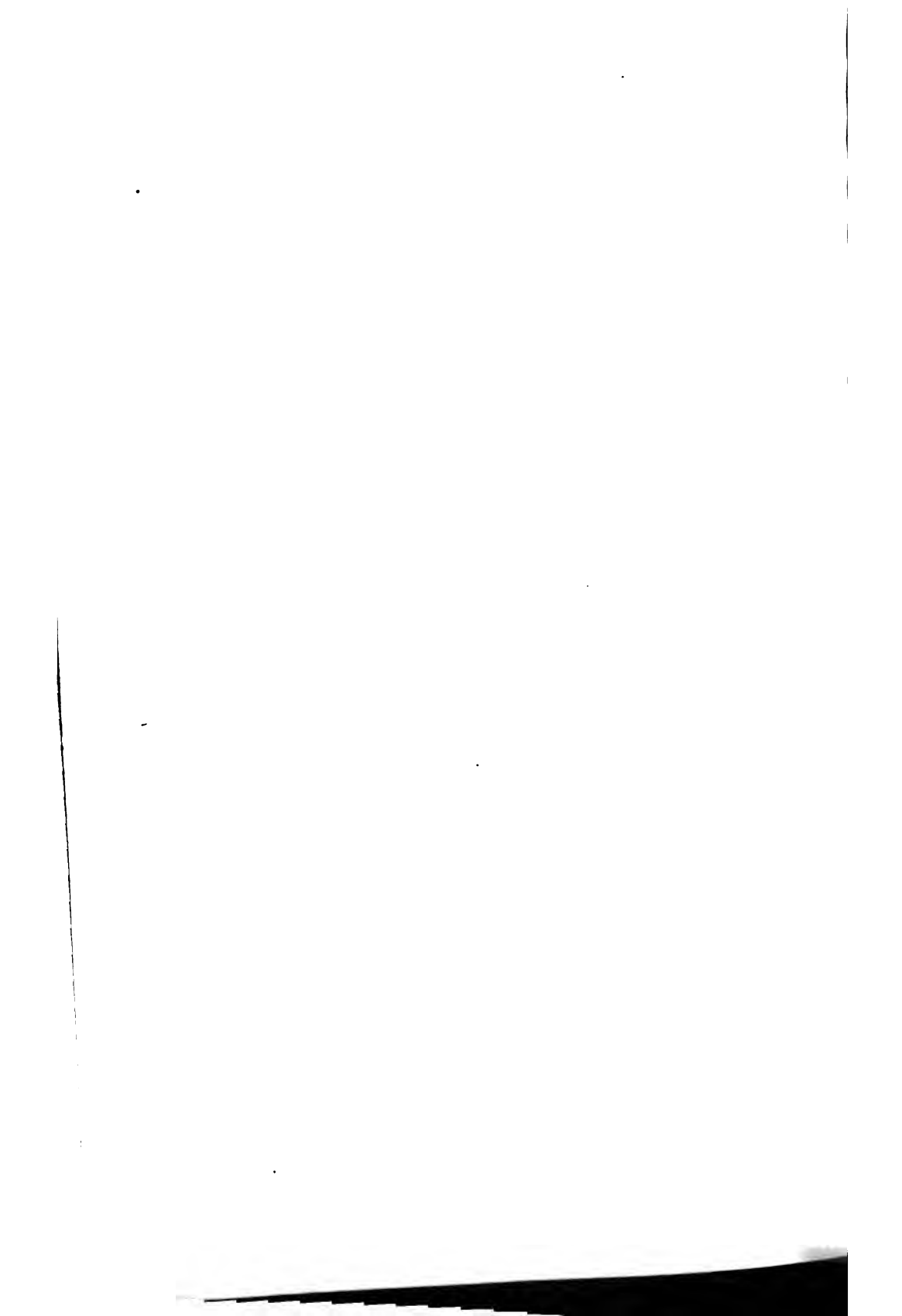
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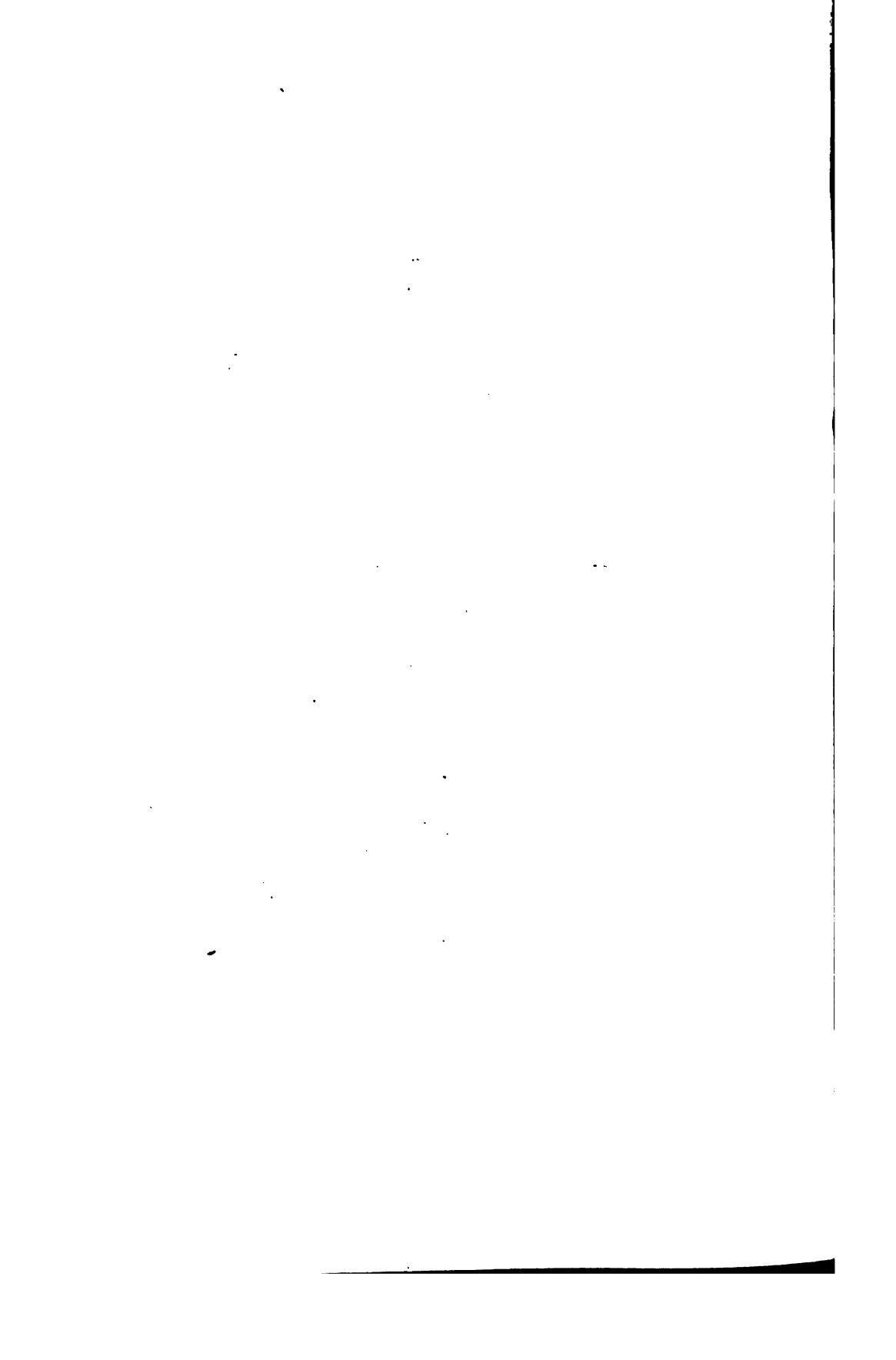
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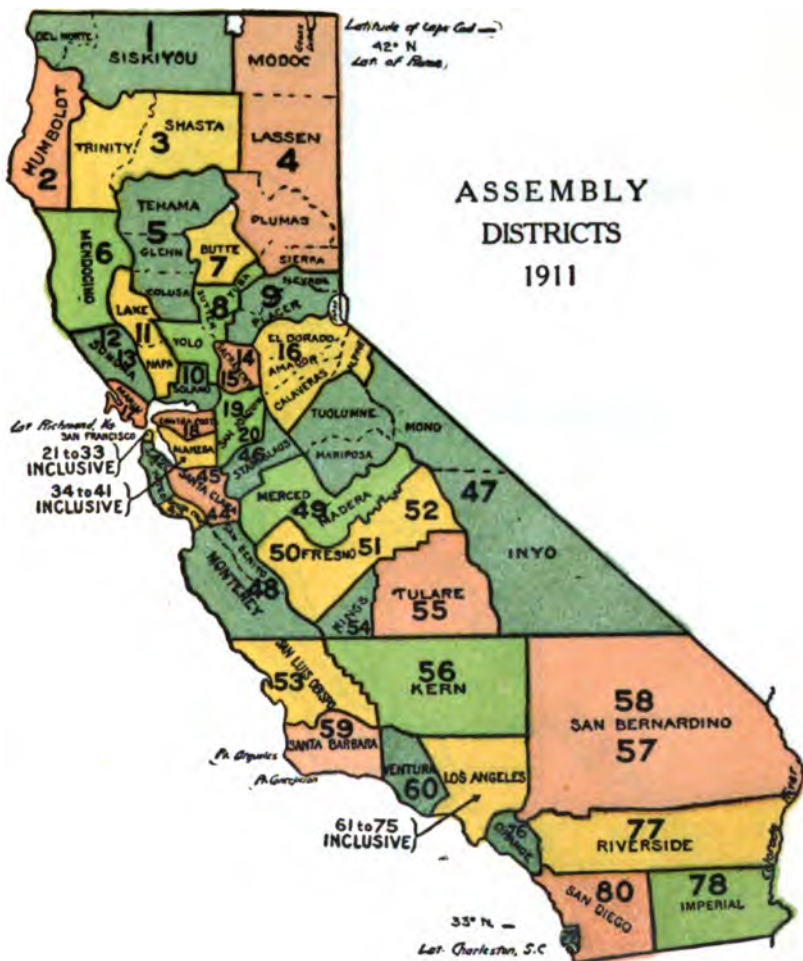


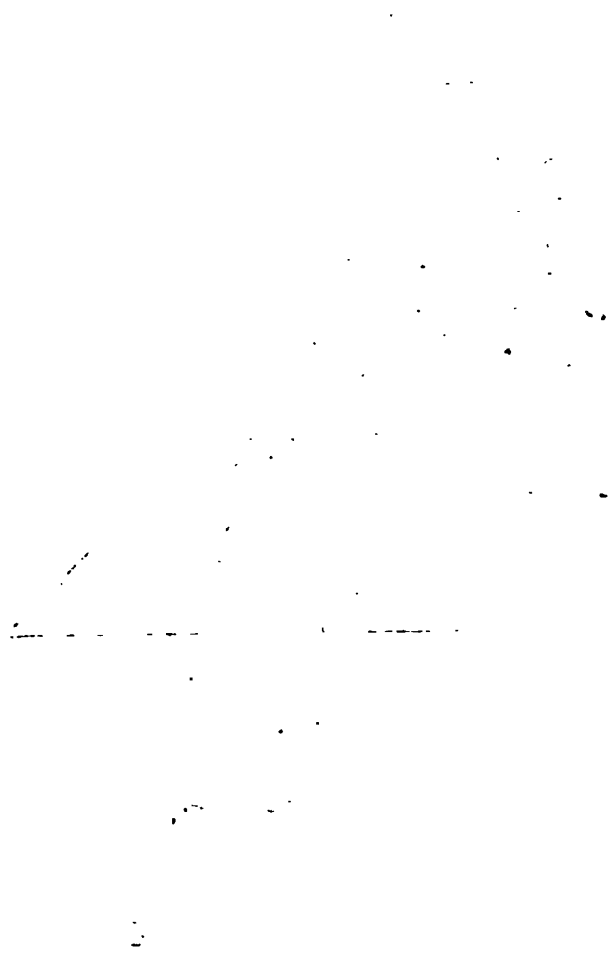




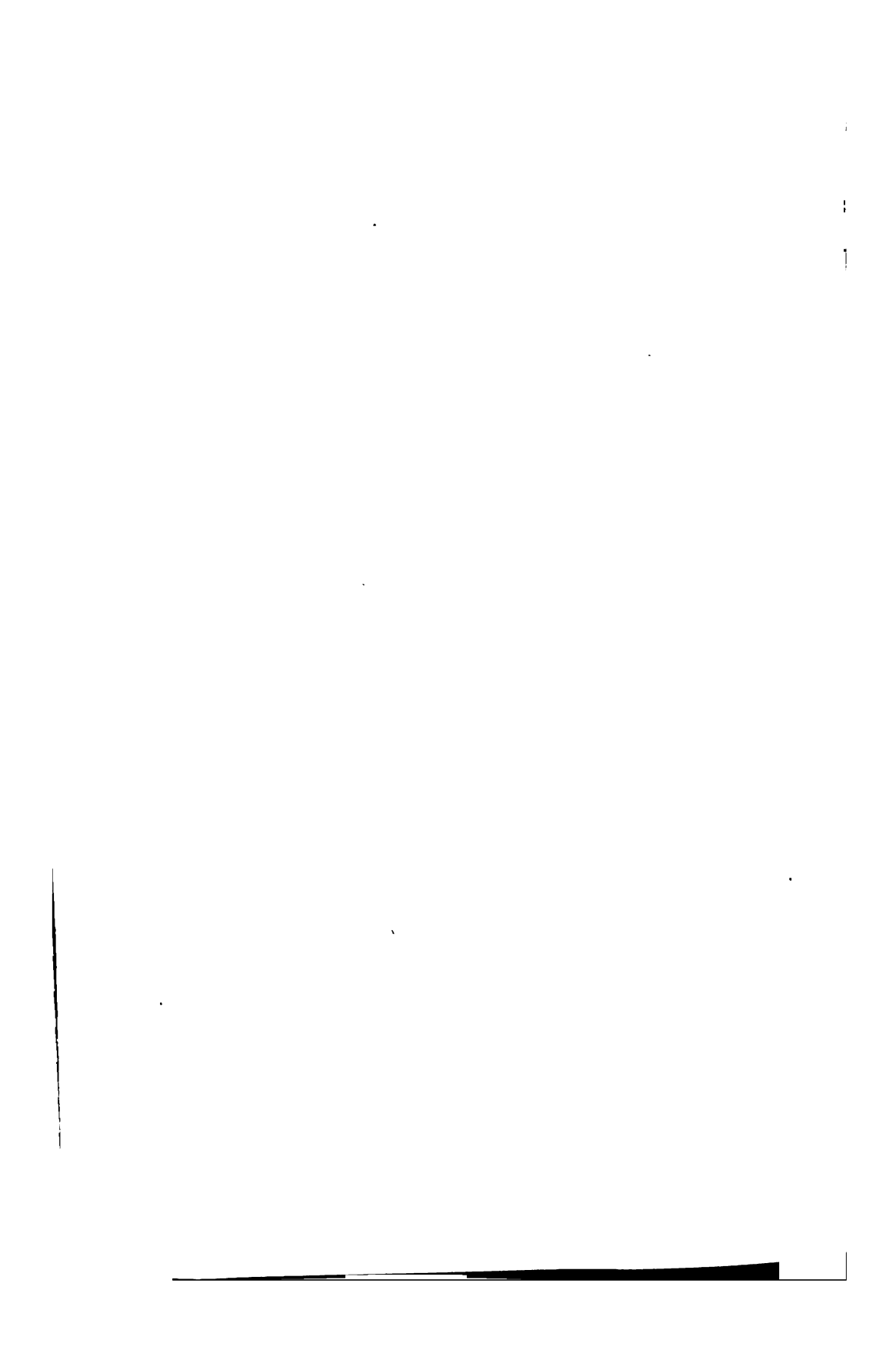












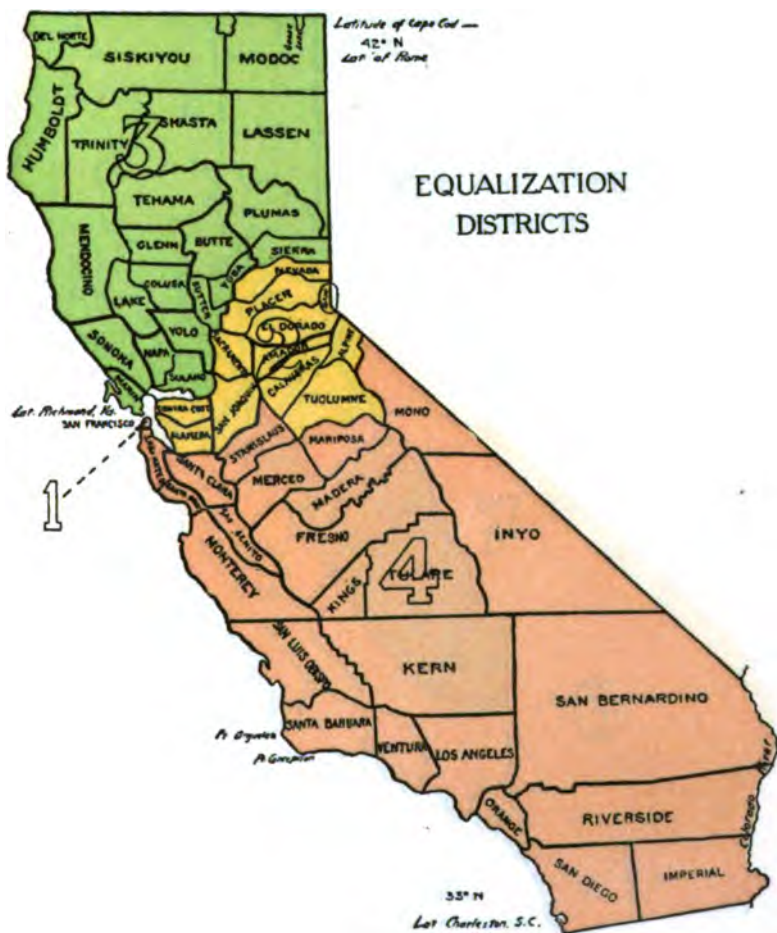












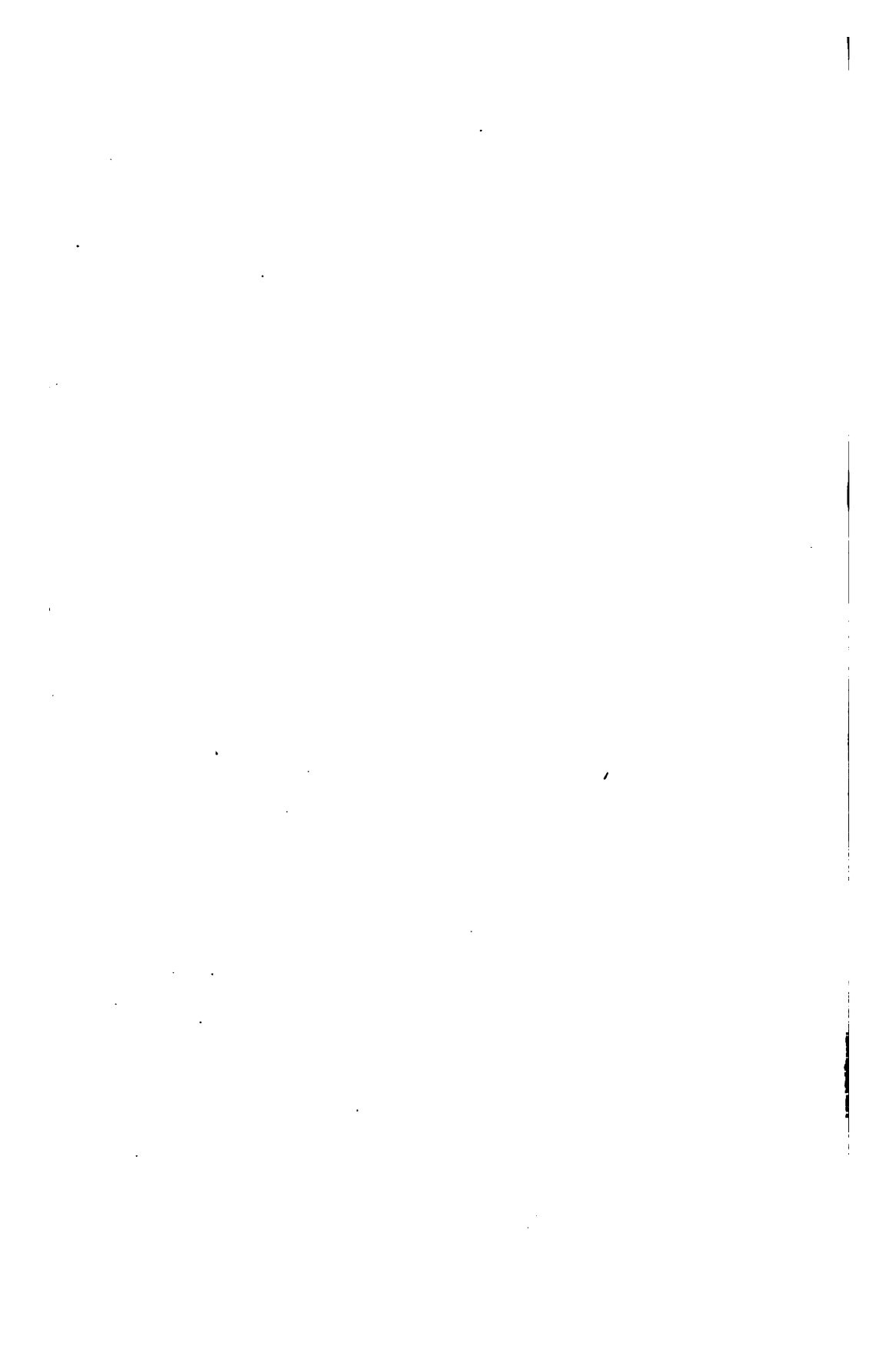




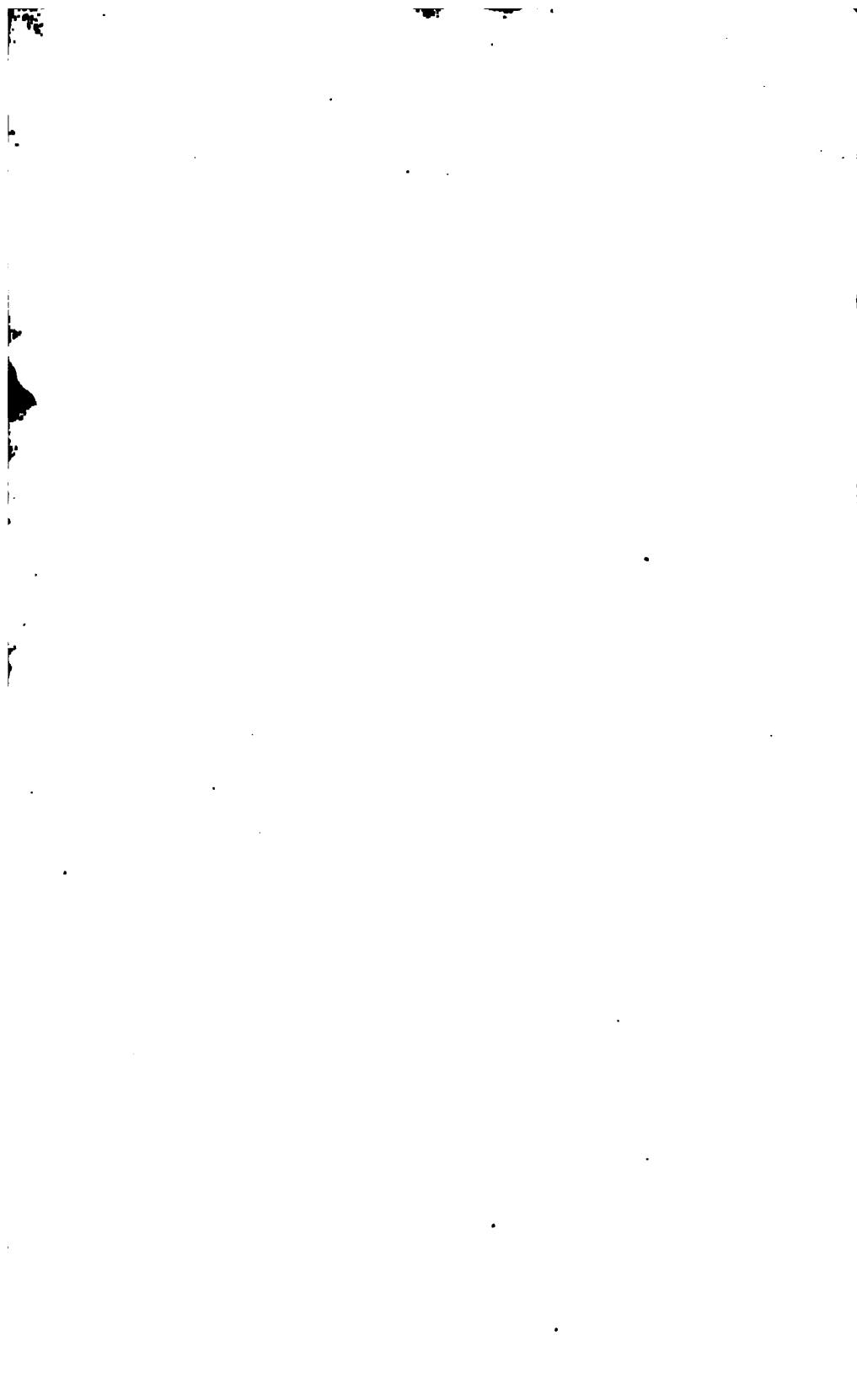


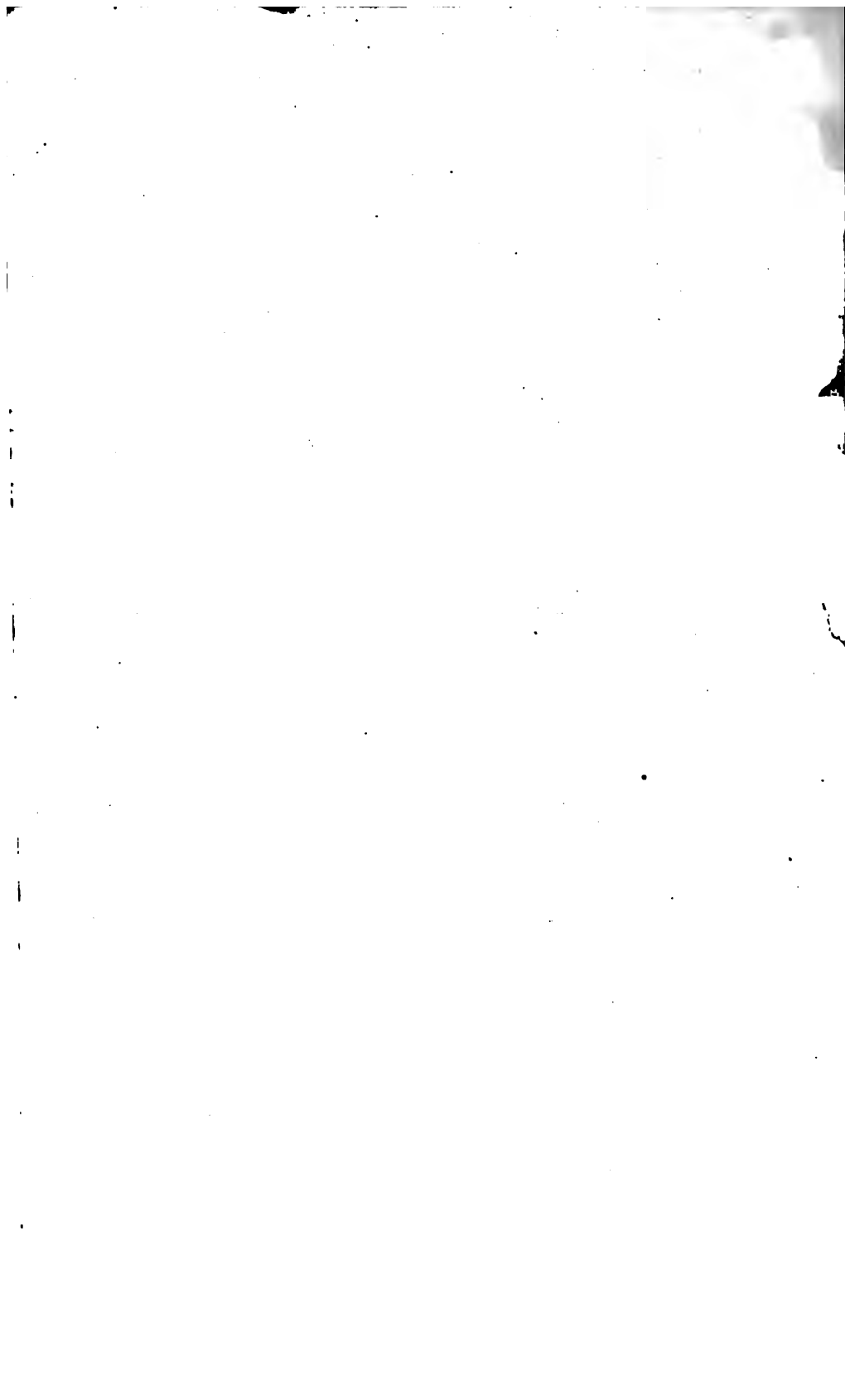






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